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TRIAL
OF
THE MAJOR WAR CRIMINALS
BEFORE
THE INTERNATIONAL MILITARY TRIBUNAL

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PROCEEDINGS

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FIFTY-FIRST DAY

Tuesday, 5 February 1946

Morning Session

MARSHAL (Colonel Charles W. Mays): May it please the Court, I desire to announce that the Defendant Kaltenbrunner will be absent from this morning's session on account of illness.

M. EDGAR FAURE (Deputy Chief Prosecutor for the French Republic): One of the counsel would like to address the Tribunal.

DR. HANS LATERNSER (Counsel for the General Staff and High Command of the German Armed Forces): In the name of the organization I represent, I make application that the testimony of the witness, Van der Essen, who was heard yesterday should be stricken from the Record for this reason: That the witness made declarations, firstly, concerning the alleged wanton destruction of the library in Louvain; secondly, concerning the treatment of the local population during the Rundstedt offensive, which led him to the conclusion that orders to this effect must have been received from higher quarters.

I wish that this testimony should be stricken from the Record for these reasons: Firstly, as regards yesterday's testimony there was no question of testimony by a witness. A witness should base his testimony on his own knowledge, which can be based only on his own observations. These prerequisites are not present in the points to which objection is made. For the most part the witness repeated statements made by other people, some of them actually made by people whom he himself did not know. The knowledge of this witness can consequently be ascribed only to a study of the documents.

Secondly, any third party is in a position to give similar testimony as soon as the documents to which this witness had access are put at his disposal, and if he is also in a position to talk to the people to whom the witness talked and who gave him his information. It is consequently proved that this witness, Van der Essen, was not a genuine witness at all, because such a witness cannot be replaced by a third person who may happen to come along.

Thirdly, although the Tribunal, in accordance with Article 19 of the Charter, is not bound by the ordinary rules of evidence, this evidence must be rejected because it has no probative value which can be determined by the Court. This emerges of necessity from the fact that the sources of the witness' testimony cannot be taken into consideration.

I regard it as my duty to point out that the introduction of such indirect proof cannot lead to the discovery of the truth regarding the points in dispute.

THE PRESIDENT (Lord Justice Sir Geoffrey Lawrence): The Tribunal would like to hear, M. Faure, what you have to say in answer to the motion which has just been made.

M. FAURE: Gentlemen, Your Honors, I should like, first of all, to observe that, as already indicated by the counsel who has just spoken, the Charter of this Tribunal provides that it shall not be bound by the formal rules concerning the burden of proof. But, apart from this, I consider that counsel's objection cannot be upheld; this objection being based on three considerations which he has enumerated but which, as I understand, boil down to one single objection, namely, that this witness was an indirect witness. I would like to emphasize the fact that I called Mr. Van der Essen as a witness precisely because of his capacity as a member of the official and governmental Belgian commission of inquiry into the study and research of war crimes.

It is in conformity with all legal procedure with which I personally am acquainted that a person who has made investigations in connection with criminal matters may be called before a court of justice to state the conditions under which the inquiry was made and the results arrived at. It is therefore not necessary that the witness who has just testified regarding an investigation should have been himself an eye-witness of the criminal activities which this investigation is intended to bring to light.

Mr. Van der Essen, therefore, in my opinion, testified to facts of which he has personal knowledge, to wit, as regards the matter of Stavelot, he stated that he himself had heard witnesses and that he verified the authenticity of this testimony. As concerns the matter of the Library of Louvain, he testified as to the existing minutes of the commission of which he is a regular member.

I add that this procedure appears to me to have the advantage of avoiding the necessity of calling a large number of individual witnesses to the witness stand. However, in order to have every possible guarantee regarding the facts laid before the Tribunal in evidence, I have decided to bring here the briefs, the texts of the testimonies to which the witness referred. I shall then be able to communicate to the Defense the affidavits of the witnesses who were mentioned yesterday, and I think that this will give the Defense ample guarantee.

I therefore propose to the Tribunal to reject the objection as far as the admissibility of the testimony is concerned; it being understood that the Defense will discuss the value and probative force of this testimony as it sees fit.

THE PRESIDENT: M. Faure, you said something about the affidavits of witnesses which you could furnish to the Defendant's Counsel. I understand that you intended also to put in the governmental report or the committee's report with reference to which the witness had testified, did you not?

M. FAURE: Yes, Mr. President.

THE PRESIDENT: But you intended also, as a matter of courtesy, to furnish the affidavits which were before that committee to the Defendants' Counsel; is that what you meant?

M. FAURE: Yes, Mr. President; if this meets with the approval of the Tribunal.

THE PRESIDENT: The governmental report, I suppose, does not actually annex the affidavits, does it?

M. FAURE: Yes, Mr. President, precisely.

THE PRESIDENT: It does? The affidavits are part of the report, are they?

M. FAURE: The report which was submitted does not contain the elements on which the witness depended yesterday with regard to certain points, particularly because the investigation on Stavelot was very long and very conscientious and has not been summed up in time. I said, therefore, that I proposed to submit these complementary elements as evidence and in this way to communicate them to the Defense.

THE PRESIDENT: That is what I thought; that is to say, the report did not contain all the details which were in the affidavits or evidence?

M. FAURE: No, Your Honor.

THE PRESIDENT: Therefore, you thought it right, as a matter of courtesy, to allow the Defendants' Counsel to see those details upon which the report proceeded. The Tribunal understands that.

The Tribunal will consider the motion which has been made. We will consider the motion which has been made at a later stage. You can now proceed with your argument.

M. FAURE: Your Honors, I should like, first of all, to point out to the Tribunal that since a certain amount of time has been given to witnesses and discussions, and as I do not wish to exceed the time limit which was announced, I am compelled to shorten to a considerable extent the presentation of the brief which I am now presenting on the subject of propaganda. I shall therefore ask the Tribunal kindly to excuse me if I occasionally hesitate during this presentation, inasmuch as I shall not follow my brief exactly.

I indicated yesterday the method employed by the Germans with regard to the freedom of public meetings and of association, which they suppressed. When they did uphold these rights they exploited them to their own advantage. I should like now to say something about books and publishing.

The German authorities, first of all, issued an ordinance on 30 August 1940, published in the *Journal Officiel* of 16 September, forbidding certain school books in France. We have already seen that they had done the same thing in Belgium.

Another step taken by the Germans was to prohibit a certain number of books of which they disapproved. I present in this connection Document Number RF-1103, which is the "Otto" list, published in September 1940; it is a list of 1,074 volumes forbidden by the Germans. I shall not, of course, read it to the Tribunal. It appears in the document book under Document Number RF-1103, as I have just said.

A second "Otto" list, longer than the first, was drawn up later and published on 8 July 1942, and I present it as Document Number RF-1104. The conclusion to this second document, which is the last page in my document book, gives a clear indication of the principles on which the German authorities worked. I read a few lines:

> "As a matter of principle, all translations of English books, except the English classics, are withdrawn from sale."—And further—"All books by Jewish authors, as well as books in which Jews have collaborated, are to be withdrawn from sale with the exception of works of a scientific nature where special measures are anticipated. From now on biographies of Jews, even if written by French Aryans, as, for instance, the biographies of the Jewish musicians Offenbach, Meyerbeer, Darius Milhaud, *et cetera,* are to be withdrawn from sale."

This method of procedure may have appeared fairly harmless at first, since only about 1,200 volumes were involved, but one can see the significance of the principle itself. By this procedure the German authorities achieved the practical result they sought, which was essentially, apart from other prohibitions, the complete disappearance of serious and objective works permitting a study of German doctrines, the policy of Germany, and the philosophy of Nazism.

Apart from prohibiting works already existing, the Germans naturally established a censorship. At first they proceeded in a veiled manner by making a kind of agreement with publishers in which the publishers themselves were made responsible for indicating which of the books appeared to them to be subject to censorship. I submit this censorship agreement as Document Number RF-1105; and I wish, without reading it, to make but one observation in this regard which is highly characteristic of the invariable German method.

In the printed brochure of this agreement, of which the original is submitted, there appears, in addition to the agreement itself, a notice drafted in terms which do not reflect French feeling. This notice was not drafted by the publishers upon whom the agreement itself was imposed but was drafted by the Germans and published in the same brochure, which bears the words, "National Syndicate of Publishers," so that one might think that the French publishers accepted the phrases occurring in this preamble. For that matter, the attentive reader has only to see that this brochure does not bear the printer's name to realize that this is a German publication and not one put out by French publishers, for only the Germans were exempted from the French rule requiring mention of the printer's name.

The Germans did not limit themselves to this procedure which was apparently rather liberal; and later an ordinance of 27 April 1942 entitled, "Concerning the Rational Use of Printing Paper," was published in the *Journal Officiel* of 13 May. This ordinance stated, on pretext of the rational utilization of paper, that all publications without exception should bear the German authorization number.

I point out in addition that in their control of paper the Germans had a very effective weapon with which to put a stop to French publishing. I submit as Document Number RF-1106 the affidavit of M. Marcel Rives, Director of Internal Commerce at the Ministry of Industrial Production. In order to shorten the proceedings I shall not read this document. I may say in short that this document makes it clear that the distribution of available paper stocks was made entirely under the authority of the Germans and that the Germans reduced the amount of paper placed at the disposal of publishers in a proportion exceeding that of the general reduction in paper quotas as compared with the prewar situation.

I must add that the Germans also took for their own propaganda publication a certain amount of the reduced paper quota allotted to the French publishers. Thus, they not only used for their propaganda the paper which they themselves had in Germany, but they also took some of the small amount of paper which they allotted to the French publishers. I should like simply to read in this connection a few lines of the document which constitutes Appendix 2 of Document Number RF-1106, which I have just submitted. I merely read a few lines of this Appendix 2, which is a letter from the German Military Command to the Ministry of National Economy dated 28 June 1943:

> "More especially during the month of March, which you particularly mention, it has been impossible to allot the publishers any quantity from current production, as this was needed for urgent propaganda purposes."

The other aspect of this German activity in the publishing sphere was, in fact, the carrying on of an intensive propaganda by means of all kinds of pamphlets and publications. This propaganda literature is extremely tedious. I should like to mention only one detail, which shows the method of camouflage always employed by the Nazis. I have here a few German propaganda pamphlets which I shall submit, naturally without reading them, as Document Number RF-1106 (bis). The first ones are part of a series entitled *England Unmasked.* The first numbers of this series, taken at random, have on the flyleaf, "Office of German Information, England Unmasked Number..." *et cetera.* No attempt at concealment is made, and the reader knows what he has before him. But by some curious accident, Number 11 in the same series no longer bears the words, "German Office of Information," and we see instead, "International Publishing House, Brussels." Here again, however, we are warned of its origin, for the author's name is Reinhard Wolf, and this is a German name.

But here, by way of a final example, is a pamphlet entitled *The Pact against Europe,* which is also published by the International Publishing House, Brussels, (Document Number RF-1106(ter)). We know after seeing the other specimens that this publishing house is only a firm attached to the German office; but people who are not so well informed may believe the pamphlet to be a French or Belgian compilation, for in this case the name of the author is Jean Dubreuil.

I shall not dwell further on publishing, and I should like now to say a few words about the press. It is a matter of common knowledge that all the newspapers of the occupied countries were controlled by the Germans, and that most of these newspapers had been founded at their instigation by persons who were in their pay. As these facts are well known, I shall refrain from submitting documents on this point, and shall limit myself to the following remarks:

Firstly, restrictive measures—censorship. Although all these newspapers were practically "their" papers, the Nazis nevertheless submitted them to a very strict censorship. I shall submit, as evidence of this, Document Number RF-1108, which is a report of a press conference held on 8 January 1943 in the course of which the new censorship orders and regime are defined. I point out to the Tribunal that this document and others of the same nature were found in the archives of the French Office of Information, which was under German control. They have been deposited either in the Bibliothèque Nationale in Paris or in the Document Library of the War Museum. These documents have been selected by us from the reports, either in the form of original documents, photostats, or from the French collection.

I should like simply to point out, by means of this Document RF-1108, that the Germans were concerned with the institution of a more liberal regime of censorship. On reading the document, however, it becomes evident that almost all news items and articles are subject to censorship, with the exception of serial stories, reviews of films and plays, items of scientific or university news, radio programs, and a certain number of completely trivial subjects.

The second aspect of the German interference, the positive aspect, appears in the directives given to the press; and these directives were given by means of press conferences such as that which I have just described.

I shall submit to the Tribunal, without reading them, a certain number of documents numbered RF-1109 to RF-1120. I produce these documents in evidence not for the sake of their contents, which are simply a repetition of German propaganda, but merely as proof of their existence, that is, continued pressure exerted on the press.

I should like to say, however, how this was done. The press conferences were held either in the Propagandastaffel, Avenue des Champs-Elysées, or at the German Embassy. The representatives of the press were summoned by the competent Nazi officials who issued directives. After the conference, the substance of these directives was embodied in a dispatch from the French Office of Information. The Tribunal knows that agencies sent dispatches to the papers for their information. When a dispatch had been drawn up by the office it was submitted for checking to the German bureau, which affixed a seal to it. After that it could be distributed to the papers.

I stated that I would not read anything on these press conferences or on the agency's minutes and notes which form Documents RF-1109 to RF-1120. I should like to read only a very brief document, which I submit as Document Number RF-1121, the minutes of a press conference held on 16 April 1943 in the Propagandaabteilung. I quote:

> "At the end of the conference the German commentator declared that on Tuesday, 20 April—the Führer's birthday—the newspapers would consist of four pages instead of two,

> and on Wednesday, 21 April, they would consist of two pages instead of four. He asked the reporters present to stress the European orientation of the Führer's political personality and to treat Franco-German relations very generously. A great deal of tact and reserve are necessary, however, in order not to give the newspapers the appearance of being no longer French, and in this way shocking public opinion."

I am not forgetting the fact that we are participating in a criminal trial and that we must select from the extremely varied facts which we have to present those elements characteristic of the intention and realization of an act condemned by criminal law. In consideration of this, I quote Document Number RF-1124, which I am also presenting and which is an attempt to promote, by means of press and propaganda, the entlistment of Frenchmen in the enemy army. Article 75 of the French Criminal Code provides for this crime and I recall that in juridical theory proceedings can be taken even against enemy nationals for crimes of this kind. I read this document, which is extremely short:

> "At the end of the military conference, Dr. Eich announced that the O.F.I. would broadcast this afternoon an article devoted to the necessity of the inclusion of French sailors in the German Navy. He asked the newspapers to add commentaries to this text in which, for instance, the following theme might be treated: 'To be a sailor is to have a profession.'
>
> "The article broadcast by the O.F.I. must appear tomorrow—a four-page day—on the first page, or the beginning, at least, must appear on the first page."

Finally, I must point out that, apart from the press conferences proper, there were so-called cultural conferences at which the German authorities gave their orders on all subjects. I should like to read a few very brief extracts from one of these cultural conferences in order to indicate the general oppression resulting from the interference of the Germans in every field without exception. I present these Documents RF-1125 and RF-1126; and I read two sentences on Page 1 of Document Number RF-1125, which is a report of the minutes of the conference held on 22 April:

> "Reproductions of paintings by Picasso have recently been made in spite of the directives to the contrary previously given.
>
> "Theater: Certain press publications have seen fit to praise the operetta *Don Philippe* to an extent belied by the reception given to this work by the general public. This goes beyond the bounds of the permissible."

I shall read a little further, on the top of Page 2:

> "The press has lent an obviously exaggerated backing to jazz concerts, particularly those of Fred Jumbo. This shows a lack of tact which is all the more regrettable in that a very minor place has been accorded in general to concerts of real value."

Finally, at the end of this document, there is a general note which is interesting:

> "The nationality of persons of standing in the world of science, art, *et cetera,* whose names occur in articles appearing in the press, is to be given as that of the Greater German Reich in the case of those born in any of the countries which have been restored to the Greater German Reich or incorporated into it."

We thus see that even in what might seem to us the most fanciful connections we can find evidence of the will to enforce Germanization and of the criminal will to strip men of the nationality which they have the right to retain.

I shall now say a few words about the cinema. The Germans, to do them justice, have never failed to understand the exceptional importance of the cinema as a means of propaganda. In France they devoted to this subject seven ordinances or decrees.

You must know that, in the first place, the Germans prohibited the showing of films of which they disapproved . . .

THE PRESIDENT: M. Faure, don't you think that evidence that the Germans used the cinema as a method of propaganda is really somewhat cumulative? You have shown already that they forbade a great number of books which they considered hostile to their ideology, and that they controlled the press, and is it not almost cumulative and a matter of detail that they also controlled the cinema?

Unless there is some evidence on behalf of the defendants contradicting the evidence which you have given, I think the Tribunal will be satisfied that the Germans did adopt all these methods of propaganda.

M. FAURE: When a brief is presented it sometimes does produce the impression that the arguments contained in it are cumulative, although that may not have been so apparent when the preparation was going on.

I shall not speak, then, on the subject of the cinema. I wish simply to point this out to the Tribunal. We thought that with regard to these questions of propaganda with which we are dealing in the abstract it would perhaps be as well to provide concrete illustrations of a few of the themes of German propaganda, and to this end we propose presently, with the permission of the Tribunal, to project very briefly a few of the themes of German propaganda.

I wish to point out that these themes are taken from archives which we found. On the other hand, we intend to present, for one minute each, two pictures taken from a German propaganda film produced by a Frenchman at the instigation and with the financial support of the German office.

As we are now going to present these pictures, with the permission of the Tribunal, I consider it indispensable to present just one document, Document RF-1141, since it is the interrogation of the producer of the film and establishes the fact that this film was made by order of the Germans and paid for by them. I therefore present in evidence this Document Number RF-1141, which is necessary for the presentation which we are about to make. Since it seems to me that sufficient evidence has already been advanced concerning the various methods of propaganda, I shall apply the same line of reasoning to the part anticipated for broadcasting.

Here I merely wish to present a document which goes beyond the field of pure propaganda. This is Document Number RF-1146. I must point out, first of all, that as regards broadcasting, the Germans obviously encountered an obstacle which was not present to the same degree in other fields. This obstacle lay in the transmissions broadcast by the free radios which, as the Belgian witness said yesterday, were followed with the greatest enthusiasm by the inhabitants of the occupied countries. The German Command then had the idea of penalizing the persons who listened to these broadcasts. In the document which I am going to quote, the Military Command went to the length of asking the French authorities most urgently to institute the most stringent penalties, even going so far as to prescribe the death penalty for persons repeating news heard on the foreign radio service.

I think it will be useful, if I deposit in evidence this document emanating from the Military Command and signed by Stülpnagel, which demonstrates the criminal intentions of the German staff. I should like to read this document, RF-1146. I read from the beginning of the third paragraph:

> "The French law of 28 October 1941 does not provide for special sanctions for the broadcasting of news from foreign stations calculated to endanger order or public security, although this offense constitutes a particularly grave danger. It is indispensable that the dissemination of such news should be punished by hard labor and in particularly serious cases by the death penalty. It is immaterial whether the disseminator of the news was listening in himself or obtained knowledge by other means.
>
> "The possibility of legally prosecuting the mentioned offense by the state tribunal does not suffice to hinder the population

from listening to the British radio and spreading the news. Since the law regarding the state tribunal does not mention listening to foreign stations there is no direct relation between listening in and dissemination on the one hand and punishment by hard labor or death sentence on the other. The population has, therefore, no idea that such acts are already punishable by hard labor or the death penalty.

"For this reason I request a draft to be submitted, amending the law of 28 October 1941 with deadline 3 January 1943.

"For your instruction I am adding, as an appendix, a draft of the German decree relating to extraordinary measures about broadcasting, by which you may learn the details of the German regulation."

I shall now submit a document bearing the Document Number RF-1147. I think this document may interest the Tribunal. It presents quite a different character from that of the documents which I have produced up to now. This document consists, firstly, of a letter from Berlin dated 27 October 1941, the subject of which is an agreement relating to collaboration with the Ministry of Foreign Affairs. I read this letter, which is very short, and which authenticates our document:

"By authorization of the ministry, we enclose for your information, as a secret matter of the Reich, a copy of the agreement relating to collaboration with the Ministry of Foreign Affairs, as well as a copy of the agreement of execution. The agreement itself is not confidential, but details of the contents must not be given."

The document enclosed with this is the full text, which I shall not read, of the agreement made between the Ministry of Foreign Affairs and the Ministry of the Reich for Public Enlightenment and Propaganda relating to collaboration between their respective branches. I think that this document is of some interest, and that is why I submit it. I shall simply point out to the Tribunal that it shows at once the extent of the hold which the Germans wished to make sure of possessing over the minds of the populations of occupied and even foreign countries and the way in which they organized this.

Chapter I of this document is entitled, "Collaboration by Branches." Letter "a" concerns the cinema, the theater, music, and exhibitions. Letter "b" concerns publications.

I think it might be interesting to read the first few lines of letter "b," for after expounding the propaganda from the point of view of the receivers, it is worth while looking at the question from the point of view of the persons who put out this propaganda. And, on the other hand, I think we must not lose the opportunity of observing the extraordinary variety and skill of the German methods. This quotation is very brief:

> "The Foreign Office and the Ministry of Propaganda are operating jointly a holding company, the Mundus A.G., of which they have equal shares and in which the publishing houses controlled by both ministries at home and abroad are combined, as far as they are concerned with the production of publications for abroad or their export to, and distribution in, foreign countries. All firms or partnerships which will be founded or acquired in future for this purpose by both ministries will be incorporated in this company."

On Page 3, Paragraph 4, I should like also to read a sentence:

> "Both ministries participate in the drawing up of propaganda matter issued by them or upon their initiative, at home, but intended for distribution abroad."

Finally, on Page 4, I shall read a sentence in the second last paragraph, and I quote:

> "In order to consolidate the broadcasting stations and the partnerships openly controlled by Germans, the Foreign Office and the Ministry of Propaganda are jointly operating a holding company, Interradio A.G., Berlin, each owning 50 percent."

The Tribunal has noticed the phrase "openly owned by the Germans."

This will be completed by a final quotation of a sentence on Page 5 at the beginning of Paragraph 2:

> "The camouflaged (not apparent) influence exercised upon the foreign broadcasting stations must not be mentioned in connection with the joint holding company."

I should like, in concluding this brief on propaganda, to present Document Number RF-1148, which is a message circulated to all the propaganda offices. I think a very brief quotation from this document will be interesting for the definition of the very general use of propaganda as the tool of one of the most premeditated and most serious enterprises of Nazism, namely, the extermination of nationality and existence of a country. In this case Czech culture and tradition are involved.

I quote from Paragraph 4:

> "The close relationship of the Czechs and European culture must always be pointed out in a positive manner. The fact of the far-reaching influence of German culture on Czech culture and even the latter's dependence on the former has to be stressed at every opportunity. The German cultural achievements in

Bohemia and Moravia and their influence upon the cultural work of the Czechs are to be mentioned particularly.

"Attention has always to be paid to the fact that although the Czechs speak a Slav language, they are subject to German culture by virtue of their living together for centuries with superior German peoples in German-directed states, and have scarcely anything in common with other Slav peoples.

"From the historical point of view, attention has always to be focused on the periods or personalities by which the Czechs sought and found contact with German culture: St. Wenceslas, the time of Charles IV, of Ferdinand I, Rudolf II, Bohemian baroque, *et cetera.*"

Finally, I submit, without reading it, Document Number RF-1149. I was anxious to include this document in our document book for it constitutes, a report of a year's propaganda activities in one of the occupied countries—Norway, to be exact. I have spoken at some length of this country, and that is why I do not wish now to quote the text of this document; but I do wish to mention that German propaganda formed the subject of extremely regular reports and that these reports touched on every subject: press, cinema; radio, culture, theater, schools, education.

This propaganda, then, as I have already stated, is something which covers a much wider range than that previously ascribed to it. No aspect of our life is unknown to it; it respects none of the things that are precious to us; it can become a real penitentiary for the spirit, when even the idea of escape is imprisoned.

If it please the Tribunal, may I suggest that the session be suspended now, so that the films may be shown immediately after this presentation.

My only purpose in showing these films is to illustrate one of the most common and disagreeable features of life in the occupied countries, the fact that wherever we went we were always compelled to see before us the stupid and ugly German propaganda pictures.

THE PRESIDENT: The Court will adjourn for 15 minutes.

[A recess was taken.]

THE PRESIDENT: With reference to the motion which was made before the adjournment by counsel for the General Staff, the opinion of the Tribunal is this:

In the first place the Tribunal is not confined to direct evidence from eyewitnesses, because Article 19 provides that the Tribunal shall admit any evidence which it deems to have probative value.

Secondly, there is nothing in Article 21 of the Charter which makes it improper to call the member of a governmental committee as a witness to give evidence with reference to the governmental committee's report. But the Tribunal considers that if such a witness is called the governmental committee's report must be put in evidence; as a matter of fact, the Counsel for the Prosecution have offered to put the committee's report in evidence in this case and not only to do that, but also to make available to Counsel for the Defense the affidavits of witnesses upon which that report proceeded.

Thirdly, there were other matters upon which the witness, Mr. Van der Essen, gave evidence which was altogether outside the report or so it appeared to the Tribunal.

As to the weight which is to be attached to the witness' evidence, that, of course, is a matter which will have to be considered by the Tribunal. It is open to the Defense to give evidence in answer to the evidence of Mr. Van der Essen and also to comment upon or criticize that evidence, and so far as his evidence consisted of his own conclusions drawn from facts which he had seen or evidence which he had heard, the correctness of those conclusions will be considered by the Tribunal, conclusions being matters for the final decision of the Tribunal.

For these reasons the motion of counsel is denied.

It is suggested to me that I did not in that statement say that the report was to be filed in evidence. I intended to say that. I thought that I had said so. The report must be filed in evidence and the affidavits, as they are to be made available to the defendants' counsel will, of course, also be made available to the Tribunal.

M. FAURE: If it please the Tribunal, M. Fuster is going to project the films of which I spoke just now.

M. SERGE FUSTER (Assistant Prosecutor for the French Republic): Mr. President, I am to show you a few examples of direct propaganda in the occupied countries.

During the whole period of the occupation the inhabitants of the occupied countries had the walls of their houses covered with enormous posters, varying in color and text. There was very little paper in any of these countries, but there was always enough for propaganda; and this propaganda was carried on without regard for probability or moral considerations. If the Nazis thought any sort of campaign would prove effective, no matter in how small a degree, they immediately launched this campaign.

In France, for instance, the most illustrious names in history appeared on posters and were made to proclaim slogans against the enemies of Germany. Isolated sentences were taken from the works of Clemenceau, Montesquieu, and many others who in this way were made to utter sentiments in favor of Nazism.

But German propaganda went beyond the adulteration of the works of the great historical geniuses of our nation. They also tried to pervert and cripple most sacred sentiments. We saw in France posters advertising work in Germany, which showed a mother saying to her children, "How happy we are now that father has gone to work in Germany." In this way, the family sentiment was made to further the ends of Nazism.

German propaganda tried also to attack the sentiment of national patriotism. We saw posters asking young men to serve in the German forces; and these existed in every country. M. Faure stated yesterday that these unfortunate wretches who had served in the various legions must, in spite of their guilt, be considered to a great extent as victims of the Nazi system. In this way, German propaganda, in attacking simultaneously the genius of a nation and the most intimate sentiments of its people, committed a crime against the spirit; and that is something which, according to the quotation used by M. Dubost in his peroration, cannot be pardoned.

Publicity may be permitted, by all means, but publicity must remain within limits. It must have some respect for persons, laws, and morality. Guarantees for the protection of the individual exist in every country; there are laws against libel, against defamation; but in international matters, German propaganda had an unlimited field, without restrictions or penalties, at least until the day when this Tribunal was established to judge it.

That is why it seemed to us a useful and necessary duty to submit to this Tribunal one or two practical illustrations. We did not choose the best-known examples, but rather those which were most genuinely characteristic of the excesses and extremes of this propaganda.

First of all, we are going to show a very short extract from a very specialized film directed against Freemasonry, which was imposed by the Germans in the manner explained in the brief. The film in itself is of no interest, but it contains pictures illustrating the crude campaign of lies in which the Germans indulged in France.

As it is a very short film and will be shown very rapidly—we cannot slow it down on account of technical difficulties—I should like before showing it to draw attention to the Tribunal to the two kinds of pictures which will follow one another without transition: First you will see a map of the world. This map will be rapidly covered by a color indicating the influence of the Jews and the

Freemasons, except for the two victorious islands, the Nazi-fascist bloc in Europe, on the one hand, and Japan on the other.

We give this picture to show the degree of crude simplicity arrived at by Nazi propaganda and how it submitted to the people the most stupid and misleading formulas.

An even worse example of calumny follows the portrait of President Roosevelt with the heading, "Brother Roosevelt Wants War."

This is all we have taken from the film. It will now be shown. Mr. Abbett, you can begin.

[Moving pictures were then shown.]

M. FUSTER: It is taken from the film "Hidden Forces." Here is the map of the world *[indicating]* with the zones of influence: the Soviet zone of influence, the British zone of influence, the American zone of influence. It is May 1939.

THE PRESIDENT: Is it necessary to have the accompaniment of music?

M. FUSTER: I am sorry, but it is impossible to cut out the sound from this film.

THE PRESIDENT: It cannot be helped? Very well.

M. FUSTER: The rapidity of the film made it necessary for us first to give a few details of the pictures which passed before the Tribunal. I think, however, that the Tribunal could appreciate them.

Now, we are going to show a few photographs of posters. These will be easier to deal with than the film, which cannot be slowed down. We are going to show them one by one, commenting on each as may be necessary.

I should like to point out to the Tribunal that the film which it has just seen is submitted as Document Number RF-1152 and also under Document Number RF-1152 (bis).

The scenarios of other propaganda films, entitled "M. Girouette" (M. Weathercock), "French Workmen in Germany" and taken from the dossier of the proceedings taken against M. Musard before the Seine Court of Justice, will also illustrate the tendency and the subject matter of the German propaganda carried on by this means.

The photographs of posters which we are going to show now are submitted as Document Number RF-1153. Before showing these films, we must say something about the way in which poster propaganda was organized. It was organized with extreme care. In this connection we submit a pamphlet which contains full instructions for mounting and shows that a real administrative service existed to carry out projects which had been under consideration for a long time. This is Document Number RF-1150. We shall not read it, since it is a publication, but we will summarize the most important contents. The Tribunal will see that the most exact provision has been made for every detail, the sites for the billboards and so forth. All these posters were issued by the central bureau in Berlin, D.P.A. In their original form, they consisted only of pictures. The text was added later in the country for which they were intended. The text had to be printed in the language of this country and adapted to suit local conditions.

The Germans very often refrained from indicating their official German origin or even attributed a different origin to them. For instance, they used the phrase "Printed in France," which has no particular meaning since it never appears on genuine French posters. The French posters bear only the printer's name; and this, in its turn, never appears on German posters. By the use of the phrase "Printed in France," however, the Germans could undoubtedly make the French believe that the propaganda put before them was not directly of enemy origin. This is a feature at once curious and revealing.

As we have said, publicity has been practiced for a long time, but Nazi Germany made propaganda into a public institution and applied it internationally in a most reprehensible manner.

We are now going to show to the Tribunal a few of the stages in the development of this poster propaganda.

[Pictures were then projected on the screen.]

M. FUSTER: Here is the first poster *[indicating]*. I am obliged to describe it because we see it rather badly. The text seems to indicate the noble attitude of the victor towards the French victims of war. It is expressed as follows: "Abandoned populations: Have confidence in the German soldier," and we see a German soldier with little French children in his arms.

At the same time that the Germans tried to gain the confidence of the French population a second poster, which we are going to show you, was posted in Germany regarding French prisoners of war. This is what they said to the Germans. I read the text of the poster:

> "Companions: Retain your national dignity. Attitude toward prisoners—the attention of every member of the Party is drawn to the following points: It is unworthy to show the slightest sign of friendship to a prisoner. It is strictly forbidden to give food or drink to prisoners of war. Your fathers, sons, and brothers are fighting with all their strength against an enemy whose purpose is the annihilation of the German people. We have no reason to show the slightest friendship

to such an enemy, even when he comes to us as a prisoner. The enemy remains the enemy."

We are now going to show a series of photographs of posters which were intended to show the French who their real enemies were; but first I should like to ask the Tribunal whether they can see the posters sufficiently well, considering the bad light.

THE PRESIDENT: We can see clearly enough, I think.

M. FUSTER: I thank you. We shall continue. This first photograph of the series, intended to show the populations who their real enemies were, is entitled, "Fake always comes out of the same spot." The enemy aimed at is England. The caricature shows by means of birds with human heads that the voice of the Free French is only a big story, symbolized by Masonic signs or emblems of the Jewish religion. The placards attached to these birds and which appear to defy these slogans of British propaganda are rather entertaining to read now: "The Germans Take All" and "We Have the Mastery of the Seas"—it refers to the Allies.

Another photo—we are still dealing with anti-British propaganda. It is a favorite theme of German propaganda. This photo is entitled, "Thanks to the English, our Road to Calvary." It tries to prove to the French by recalling certain historical events, that the English have always been the cause of French sufferings: Joan of Arc, Napoleon, the war of 1939-40 are the principal themes exploited by means of the poster.

This one now represents the English hydra which is encircling Africa; but it is mercilessly beheaded in Germany, in Norway, and rather oddly, in Syria. The text of this poster reads, "The hydra is still being systematically decapitated."

Poster Number 6 has the following text, which is almost invisible here:

> "The ally of yesterday, great promises before the war: No help during the war. Retreat and flight of the English Expeditionary Force. Bombardment of French cities and blockade after the debacle. Let us be done with it!"

Poster Number 2, which is also anti-British, is constructed on the same model. There are three parts, "Yesterday, Today, Tomorrow."

The Germans developed not only the theme of Anglo-Saxon greed which they represented by a hydra or a bulldog, but also the theme of the prestige of the occupied countries at sea. On this point we show photographs of French and Norwegian posters.

This poster is entitled, "You won't catch anything with that De Gaulle, Gentlemen!" British corpulence and Jewish capitalism bulge out from a fishing boat stopped by the coastal guns of Dakar.

The style of the wording and the sailor's gesture are purely German. A Frenchman would have said, "With that Gaulle (fishing rod)," and the allusion would have been clear enough.

Poster Number 9 invites enrollment in the German Navy, "The Time Has Come to Free the Seas."

Here is a Norwegian poster: "Defend Norway. Enlist in the German Navy." The inscription might apply, firstly, to all the services of the German uniformed police; secondly, to all the commands of the German Wehrmacht; thirdly, to German harbor masters and port control officers; fourthly, to the commander of the SS Reserve Corps of Norway in Oslo, *et cetera*. Another Norwegian poster, with the following title, "All for Norway.... Help from England." This poster tries to prove to the civilian population that ruin, fire, and devastation are the only benefits of the English alliance.

The second enemy, America, is the subject of the posters we are going to show now.

Poster Number 11—"The American Press: 97 percent in the hands of the Jews." That allows the Germans to kill two birds with one stone: The Jews and America.

Poster Number 12—in the middle of this poster is the inscription, "They Wanted War," and the persons concerned are represented by six photographs. These persons, who were responsible for the war, are not any of the men whom you see in the dock, but six Americans: magistrates, officials, men in the public eye. Their names were not familiar to the French public, who had rarely seen them on the screen, except for Mr. La Guardia. Those who read articles on economics knew of Mr. Morgenthau; but it was difficult to persuade the French that Messrs. Baruch, Frankfurter, Wise, and Lehman were the instigators of the present war, and Hitler and Göring the victims. As I have said, however, Nazi propaganda did not shrink from any improbability.

The photo Number 13 is more picturesque. It shows both sides of a dollar bill and consists of two lines separated by a Masonic star with the inscription, "A dollar has no value unless signed by Morgenthau." Here are the texts of the inscriptions showing the imagination of the Nazi authors in this matter. On the left-hand side we read:

> "The Minister of the Treasury is Jew Morgenthau Jr., related to the great racketeers of international finance. All the Jewish attributes are found on this dollar: the Eagle of Israel, the triangle, the Eye of Jehovah, the 13 letters of the motto, the 13 stars of the aureole, the 13 arrows, the 13 olive branches, the 13 steps of the unfinished pyramid. This money is Jewish indeed."

And on the right-hand side:

> "This dollar paid for the Jewish war, the sole message which the Anglo-Americans can address to us. Will it be enough to repay us for the misfortunes arising from that Jewish war? The money does not stink but the Jew does."

Number 14—"Mr. Churchill and Mr. Roosevelt are dividing Africa."

Number 15—this is anti-Semitic propaganda properly speaking. We have already seen it mingled with anti-British and anti-American propaganda. This photograph shows children of a French technical school who were taken to an anti-Jewish exhibition and given anti-Jewish pamphlets to read.

Number 16—"Behold the Jewish invasion." France is gnawed by a symbolical hydra and figures are scrawled across her. "In 1914, 200,000 Jews; in 1939, 800,000 Jews, without mentioning the half-Jews."

Number 17—"For the Jews the right to live; for us the right to croak. Beneath the recriminations of all-enveloping Jewry, the crosses of the daily growing number of war victims are lined up." This propaganda aims on the one hand at collecting the Jews into a compact mass and isolating them, and on the other hand, at arousing the hatred of the remainder of the population against them. It aims at dividing France.

Number 18—finally, we see the terrible Russian foe. A tortured human beast is hauling a barrow-load of stones while a monster in uniform lashes him with a knout or nagaïka and threatens him with a revolver. This picture was first intended for inclusion in a composite picture entitled "The Workers Paradise." This gives it additional interest; but owing to the lack of time, the poster was put out just as it was. We submit the plans for the entire project as Document Number RF-1151.

Number 19—this is a lovely Norwegian poster: "No" in the form of a flash of lightning strikes against the Russian hand which attempts to tear the national flag.

Number 20—"Never!" A romantic picture reminiscent of certain Russian pictures of the last century. Death escorts a train of deportees. The Nazis showed something which they knew well!

Number 21—a final picture concerning Russia, "What Bolshevism would bring to Europe." Scenes of mutilation, infanticide, rape, hangings, murder—exactly what the Nazi movement brought to Europe! However, this Europe must realize her good fortune in being led by the Führer, must realize her strength and her unity, in order to fight victoriously against the barbarous enemy.

And here is a photograph of a poster, "A Leader and His People." Hitler is depicted as endowed with every charm: sweetness, simplicity, understanding, while the text, unreadable on the reproduction, recalls that he, Hitler, is the unknown soldier of the first war. We call the Tribunal's attention to the photo.

THE PRESIDENT: Could you let the Tribunal know how much longer you are likely to be?

M. FUSTER: About 10 minutes, Mr. President.

THE PRESIDENT: You may continue.

M. FUSTER: In the photograph to the left, Hitler is shaking a little girl's hand and we read underneath, "The Little Congratulator." This term, which is not French, betrays the origin of the document.

Here is a poster—Number 23—which was widely circulated in France: "I work in Germany for my family and for France. Do as I do."

Number 24—"1918 to 1943—History Speaks. 1918—The Debacle. 1943—The Great Unity." This poster is the counterpart of the inscriptions which patriots used to write on the walls in France. The German defeat was rapidly approaching; and they could hope that the end of the year 1943, like the end of the year 1918, would bring the final victory. The Nazis were unable to make any reply to these crushing communiques except by issuing denials and posters like this, affirming the great unity of Europe.

Number 25—here is a poster which combines the productive and fighting forces, "The best workers make the best weapons for the best soldiers."

Number 26—finally propaganda attains the level of the conflict of political doctrines, "Socialism against Bolshevism or a free Europe."

Number 27—religious doctrine. This is a Norwegian poster which makes fun of the Anglo-Russian alliance. It is entitled, "A Blessed Meeting." An Anglican bishop, armed with a phosphorous bomb, presents a cross symbolizing Finland to Pope Stalin. Stalin accepts it with eyes lifted to heaven and a machine gun in his arms. A placard says, "Christianity is introduced into the country of the Soviets," and the motto says, "My dear brother, we wish to strengthen your faith with these beautiful crosses."

Number 28—"Anti-Christ: Communism, the scourge of civilization. Bolshevism against Europe. International Exhibition, 12 July to 15 August 1941." The Nazis pose as the defenders of Christianity.

Number 29—and to conclude, this is what the defenders of Christianity did to the Church of Oradour-sur-Glane.

We have now finished showing the films. We have taken the liberty to submit to the Tribunal a few pictures forming concrete illustrations of a tendency whose spiritual character makes it perhaps more difficult of recognition but whose importance is considerable. In treating an emotionally subtle theme of this kind, we have used pictures in preference to words, since pictures can make clear in an instant something which it takes time to put into words. In this way we hope we have contributed towards making plain the truth.

THE PRESIDENT: The Tribunal will adjourn until 10 minutes past 2.

[The Tribunal recessed until 1410 hours.]

Afternoon Session

MARSHAL: May it please the Court, I desire to announce that the Defendant Kaltenbrunner will be absent until further notice, on account of illness.

M. FAURE: Mr. President, I shall now take up the last chapter of my brief, which is devoted to the organization of criminal activities. I shall begin this last chapter by quoting a few words spoken by Monseigneur Piguet, Bishop of Clermont-Ferrand, in the course of a pontifical Mass on Whit Sunday, 20 May 1945. Monseigneur Piguet had just been liberated from the concentration camp to which he had been sent by the Nazis. He said:

> "The criminal institutions of which we have been witness and victim bear within themselves all the scourges of barbarism and old-time servitude systematized and applied by a new method capable of increasing human misery by the whole range of modern scientific possibilities."

The evidence that I intend to present to the Tribunal with regard to the occupied countries of the West bears upon this aspect of the systematizing of German criminal enterprises. We have said that Germanization did not consist in the particular fact of the imposition of German nationality or of German law, but in the general imposition of the standards established by the Nazi regime, and in a general way, of its philosophy. This aspect of Germanization implies criminal activity at once as a means and as an end—as a means, because the criminal means is very often highly effective, and we know that Nazism professes indifference in regard to the immorality of the means; as an end, on the other hand, since the final organization of Nazi society postulates the elimination of elements hostile to it or which it regards as undesirable. Under these conditions the criminal activities therefore do not appear as accidents or regrettable incidents of war and of occupation. They must not be ascribed to un-coordinated action on the part of subordinates due to overzealousness or lack of discipline.

As the elimination of adversaries is recommended in principle, it will be carried out in fact by the normal and regular functioning of the administrative apparatus. If Nazism has a philosophy of criminal action, it also has, properly speaking, a bureaucracy of criminal activity.

The will which inspires this action is transmitted from one to another of the chief and secondary centers of the state organism. Each of the misdeeds or series of misdeeds of which we have told you already or shall do so again, assumes the existence of a whole series of transmissions: orders passed by superiors to inferiors, requests for orders or reports passed by inferiors to superiors, and finally the relations maintained between corresponding echelons of different services. This administrative organization of criminal activity appears to us a very important datum for the determination of responsibility and the proving of the charges formulated in the Indictment against the higher leaders and against the group organization.

The responsibility of any one of these superior leaders in regard to a determined criminal activity does not, indeed, require that an exhibit or a document signed by the person himself be produced or that it should involve him by name. The existence or non-existence of such a document is a matter of chance.

The responsibility of the higher leader is directly established by the fact that a criminal activity has been carried out administratively by a service at whose head we find this leader.

This is all the more true in the case of a criminal activity pursued over a long period of time, affecting a considerable number of persons and whose development has given rise to a series of complications, of consultations, and of solutions. There is in every graded state service a continuous circuit of authority which is at the same time a continuous circuit of responsibility. Moreover, concerning charges made against organizations described as criminal organizations, their criminal nature springs from the very fact that their activity produces criminal results without there being any lack of knowledge or modification of the normal rules of competence and of functioning of their different organisms.

The collaboration which develops with a view to such an end between a series of agents belonging to the organization both vertically between the upper and lower grades and horizontally between the different specialist departments implies no less forcibly the existence of a collective criminal intent.

I shall speak first of the persecution of persons qualified as Jews by the German code. The Tribunal already knows from other evidence the Nazi doctrine on the subject of Jews. The historians of the future will perhaps be able to determine how much of this doctrine was the result of sincere fanaticism and how much was the result of premeditated intent to deceive and mislead public opinion.

It is certain that the Nazis found the theories which led them to undertake the extermination of the Jews extremely convenient.

In the first place, anti-Semitism was an ever accessible means of averting public criticism and anger. Moreover, it was a method of psychological seduction that was very cleverly calculated to appeal to simple minds. It made it possible to give a certain amount of satisfaction to the most needy and underprivileged person by convincing him that he was nevertheless of a superior quality and that he could despise and bully a whole category of his fellow men. Finally, the Nazis obtained for themselves by this means the possibility of whipping up the fanaticism of their members by awakening and encouraging in them the criminal instincts which are always latent to a certain extent in the souls of men.

Indeed, it is a German scientist, Feuerbach, who developed the theory that disposition to crime does not necessarily proceed from long preparation. The criminal instinct present may spring to life in an instant. The Nazis gave to the elite of their servants the possibility of giving free rein to any inclination they might possess for murder, looting, the most atrocious actions, and the most hideous spectacles. In this way they fully assured themselves of their obedience and of their zeal.

In order to avoid repetition, I shall not speak in detail of the great sufferings endured by the persons qualified as Jews in France and in the other countries of western Europe. I should like simply to indicate here that it also caused great suffering to all the other inhabitants of these countries to witness the abominable treatment inflicted upon the Jews. Every Frenchman felt a deep affliction at seeing the persecution of other Frenchmen, many of whom had earned the gratitude of the fatherland. There is no one in Paris who did not feel deeply ashamed to learn that the dying Bergson had to be carried to the police commission to satisfy the census requirements.

THE PRESIDENT: M. Faure, you will forgive my interrupting you, but the Tribunal feels that what you are now presenting to us, however interesting—and it is interesting—is really an argument and is not presenting evidence to us. And as we have already heard an opening on behalf of the United States, an opening on behalf of Great Britain, and an opening on behalf of France, we think that you really ought to address yourself, if possible, to the evidence which you are presenting, rather than to an argument.

I feel sure that, with your readiness to meet the wishes of the Tribunal in expressing your presentation, you will perhaps be able to do that.

M. FAURE: I understand perfectly the feeling of the Tribunal. I simply intended to say a few words referring to the feeling shown by Frenchmen in regard to these persecutions. But these words have now been spoken, and I have just arrived at the object of the demonstration which I am to present to the Tribunal with the documents. To show the Tribunal that the spirit of my presentation is in accordance with the requirements of the Tribunal, I should like to indicate that I am not presenting in this brief any document which constitutes an individual story or even a collective story, and no document which comes from victims themselves, or even from impartial persons.

I have tried to select only a certain number of German documents in order to furnish evidence of the execution of a criminal enterprise consisting in the extermination of Jews in France and the western countries.

I should like to observe first of all that the Nazi persecution of the Jews included two sets of actions. This is important from the point of view of the direct responsibility of the defendants. The first category of actions is that resulting from the actual texts of laws and regulations and the second category is that resulting from the way in which these were applied.

As regards the texts of laws and regulations, it is evident that these texts, which were issued by the German authorities—either military authorities or commissioners of the Reich—constituted particularly flagrant violations of the sovereignty of the occupied countries.

I do not think that it is necessary for me to present these laws and regulations in detail, for their main features are common knowledge. In order to avoid reading, I have had two tables drawn up and these are before the Tribunal in the document book, although they are not documents properly speaking. These documents are to be found in an appendix. I should like to explain what the two tables in this appendix show. The first table, in the left-hand column, is arranged in chronological order; the other columns indicate the names of the different countries. The Tribunal will find arranged in chronological order the measures taken against the Jews in different countries.

The second table classifies them according to subject—the concept "Jews," economic measures, bullying and petty irritations, the yellow star—and you will find in this table appropriate texts, arranged according to subject.

I likewise present in the form of documents under Document Number RF-1200 a certain number of decrees which were issued in France concerning the Jews, and as these decrees are public acts I shall simply ask the Tribunal to take judicial notice of them.

I must now make this observation: These texts, taken as a whole, considerably lowered the status of the Jews. Yet there are no texts in existence of German decrees ordering the mass deportation or murder of Jews. On the other hand, you must remember that this legislation was developed by progressive stages up to 1942, after which a pause ensued. It was during this pause that, as we shall see, genuine administrative measures for the deportation and consequently for the extermination of the Jews were introduced.

This leads us to consider the fact that we are not dealing with two separate actions—the legislative action, to be ascribed to the military authorities, and the executive action, to be ascribed to the police. This point of view, which regards the military authority only as the author of the decrees and, therefore, as bearing a lesser degree of criminal responsibility, would be false. In reality we are looking at the development of a continued action which employs by turns different means. The first means, that is to say, the legislative means, are the necessary preparatory measures for putting into force the other, or directly criminal means.

In order to put into practice their plan of extermination, the Nazis had first of all to single out the Jewish elements in the population and to separate them from the rest of the population of the country. They had to be able to find the Jews easily and to find them with decreased powers of self-defense and lacking in the material, physical, and intellectual resources which would have enabled them easily to avoid persecution.

They had to be able to destroy the whole of this doomed element of the national community at a single blow, and for this reason they had first to put an end to the constant interweaving of interests and activities existing between all the categories of the population. The Germans wished to prepare public opinion as far as possible; and they could succeed in this by accustoming the public to no longer seeing the Jews, as the latter were practically forbidden to leave their houses.

I shall now present to the Tribunal a few documents bearing on this general extermination deliberately undertaken by the Nazis. I shall first present a series of documents, Documents RF-1201, 1202, 1203, 1204, 1205, and 1206. I present these documents with reference to a particular question, the emigration of the Jews who tried to leave the occupied territories.

Inasmuch as the Germans made their desire to get rid of the Jews apparent in every way, it would seem logical for them to look favorably on the solution offered by emigration. On the contrary, as we shall see, they forbade emigration and did so by a permanent measure of general application. This is a proof of their will to exterminate the Jews and a proof of the ferocity of the measures employed. Here, to begin with, is Document Number RF-1201. These documents are submitted to the Tribunal in a series of photostatic copies for each member.

Document Number RF-1201 is a letter of 22 July 1941 emanating from the Bordeaux service and requesting certain instructions from Paris. I wish to read the beginning of this message:

> "It has just been established that about one hundred and fifty Jews are still in the territory of the District Command

> of St. Jean de Luz. At the time of our conversation with the District Commander, Major Henkel, the latter asked that these Jews should leave his district as quickly as possible. At the same time, he pointed out that in his opinion it would be far better to allow these Jews to emigrate rather than to transfer them to other departments or even to concentration camps."

Here is the reply to this telegram. It is Document Number RF-1202, dated 26 July 1941. The second sentence:

> "We do not approve Major Henkel's point of view as the Reich Security Main Office has stipulated again in a decree the principle that the emigration of Jews residing in the occupied territories of the West, and if possible also of those living in Unoccupied France, is to be prevented."

Here is an exhibit which I submit as Document Number RF-1203 and which comes from the Military Command in France under date of 4 February 1942. We are no longer dealing with the SS but with the Military Command.

> "The Reichsführer SS and Chief of the German Police at the R.M.d.I. has given orders that the emigration of Jews from Germany or the occupied territories has to be prevented, on principle."

The rest of the letter indicates that exceptions may be made. This document establishes the collaboration between the Army and the police, the Army assuring the execution of the orders given by the Supreme Chief of Police.

I now submit Document Number RF-1205. This document relates to the same subject, but I nevertheless submit it because it shows the intervention of a third German authority, the diplomatic authority. This is a note of the German Consulate General of Casablanca. I read the first sentence:

> "The number of European emigrants hitherto leaving Casablanca for the American continent only at long intervals has greatly increased during the last month. On 15 March . . ."

The rest of the letter indicates that these are Jewish emigrants.

Document Number RF-1204, which is joined to this one, constitutes a new report to the same effect from the Consulate General Casablanca, under the date of 8 June 1942. I read the last paragraph of this document:

> "The emigrants leaving Casablanca are, for the most part, Jewish families from Germany and Central Europe and also some French Jews. There is no reason to suspect that young people fit for military service have left Casablanca with the avowed intention of entering military service on the side of

> the enemy. It is left to your discretion to inform the military authorities about this."

I have quoted this document to show that there was no question of a military emigration which they would have had an interest in preventing, and also to show that this document would normally have concerned firstly the German Embassy, to which it was addressed, and secondly the military services which it suggests should be informed.

Now, what is the sequel to these two communications? The sequel is shown by Document Number RF-1206, of which the two documents just read constitute appendixes. This Document RF-1206 emanates from Berlin, from the Reich Security Main Office, and is addressed to the Chief of Police for France and Belgium.

> "Attached are two copies of confidential reports from the German Consulate General in Casablanca to the Ministry of Foreign Affairs for your information.
>
> "You are asked to give your special attention to the state of affairs described and to prevent, as far as possible, an emigration of this kind."

I therefore draw three conclusions. Firstly, as I have indicated, the Nazis opposed the emigration of the Jews, although they claim that they are undesirable. Secondly, this decision was made at a higher level and with a general application. Thirdly, all the services, the police, the Army, and the Department of Foreign Affairs intervened to ensure the execution of these barbarous orders.

I now present to the Tribunal Document Number RF-1207. This document is a voluminous German report. It is in fact 70 pages in length. It was found in the German archives in Paris. This document is interleaved with a series of graphs, drawings, and models of census cards. It is mimeographed, and the copy which we present does not bear the author's signature,. but simply the indication "SS Obersturmführer." This is Obersturmführer Dannecker, who played an important role in regulating Jewish questions in France and who was chief of this bureau.

THE PRESIDENT: That fact which you have just stated to us, has that been verified by the French authorities, namely, that it was a captured document in Paris?

M. FAURE: According to the report submitted to the Tribunal, we took possession of these documents at the archives of the Sûreté Nationale. They were among the documents found in the German offices at the time of the liberation. Besides, I point out to the Tribunal that the other documents produced do bear the signatures of the German officials. This report is the only document without a signature. The fact that it was written by Dannecker will be proved by other documents, which constitute a résumé of it.

I shall not read to the Tribunal the 70 pages of this report, but I should like to read certain paragraphs which I think may interest the Tribunal. Here is the first page. To begin with, it is entitled, "The Jewish Question in France and Its Treatment. Paris, 1 July 1941." First page:

> "Final solution of the Jewish question—this is the heading and the goal for the work of those services of the Sipo and SD which are handling the Jewish problem in France. It has always been clear that practical results cannot be achieved without a study of the political situation in general as well as of the situation of the Jews.
>
> "The following pages, next to giving a general draft of our planning, are to explain the results achieved up to now as well as the immediate aims.
>
> "Everything touching the principle must be considered from the following point of view: Since the chief of the Sipo and SD has been charged by the Führer with preparing the solution of the Jewish question in Europe, his offices in France are to carry out the preliminary work in order to be able to serve abroad as the absolutely reliable agents of the European Commissioner for Jewish Affairs, at the appointed time."

I shall now point out to the Tribunal the chief headings of the paragraphs in order to pursue the development of the idea and of the operations of this German office.

THE PRESIDENT: I was considering, M. Faure, why this document has not got any identifying mark upon it. I mean, of course, we do not doubt for an instant what you say to us is true, but at the same time it is not the correct way to do it—for us to have to rely on counsel's statement as to the nature of the evidence. And there is nothing on the document itself to show that it was captured in Paris or to show what it is except what it states.

M. FAURE: Mr. President, the joining of this document to the file of the French Prosecution was done by a report made in Paris, which I shall present before the Tribunal, because as this report concerns a certain number of documents, it was not especially joined to the file of this particular document. On the other hand, when I received these documents from the police, I did not wish to write anything on the document or to place it under a seal, for I wished to avoid altering the normal appearance of the document in any way.

I must state that if the Tribunal prefers not to receive this document inasmuch as I do recognize that it does not bear a signature, I shall not submit the document for I have a second report by Dannecker which is signed by him. I submitted both in order to make clear the continuity of the operation.

THE PRESIDENT: M. Faure, in the case of the documents presented by the United States, the captured documents by the United States, as Sir David Maxwell-Fyfe reminded us the other day, there is an affidavit, I think, of Major Coogan, which states that all those documents of a certain series, PS, L, R, and various other series, were all captured in Germany by the United States forces. If there were such an affidavit with reference to documents captured in Paris which might be identified by some letter such as PS or some letter similar to that, the matter would seem to us to be in order. But when a document is presented to us which has no identifying mark upon it at all, we are then in the position which we are in now of simply hearing the statement of counsel, which, of course, is not evidence that the document was found in Paris or found somewhere else; and therefore it occurs to me that one way that it might be dealt with would be an affidavit by somebody who knows the facts that this document and any other documents of a similar sort were captured in the archives of the German forces in Paris or elsewhere.

M. FAURE: I could very easily produce before the Tribunal the affidavit which it requests. I say that if we do not have it in this form it is because our habitual procedure is not exactly the same as that which may be followed in the United States. In fact, as the Charter of the Tribunal indicates that the Prosecution was charged with the collection of evidence, we ourselves have authorized magistrates in our service to look for documents in the archives of the police and if the Tribunal wishes I shall ask the police in addition for attestation of the seizure of these documents in the German archives. I shall then ask the Tribunal to allow me to produce this affidavit in a few days' time, so that I can ask the police for it.

THE PRESIDENT: M. Faure, the Tribunal think that we might admit the document, subject to your undertaking that you would do that in the course of a day or two.

M. FAURE: I cannot guarantee that I will have this document in a day or two.

THE PRESIDENT: I wasn't stressing the number of days. If you will undertake to do it that is sufficient.

M. FAURE: Certainly, Mr. President. I shall go on then with the analysis of the Dannecker report. The first chapter is called, "History of the Jews in France." I shall not read it. It includes a series of ideas on a very elementary intellectual level. The following chapter is entitled, "Organization of the Jews in France." It includes a first part under the heading, "Before 14 June 1940." This part does not seem to me interesting. The second part of this chapter is entitled, "Operations of the Sipo and the SD (SS Einsatzkommando Paris) against these Organizations and against Leading Jewish Personages." The report comes from the SS Hauptsturmführer Hagen. I think I might read the beginning:

> "From a study of the records collected in Germany, Austria, Czechoslovakia, and Poland, it was possible to conclude that the center of Judaism in Europe and with it the chief lines of communication to overseas must be sought in France. Realizing this, first of all, the offices of great Jewish organizations already known, such as World Jewish Congress"—then follows an enumeration—"have been searched and sealed."

Beginning with Page 14, the report attempts to demonstrate the existence of a bond between Judaism and Catholicism. It presents the results of searches made in the homes of various persons: The Rothschild family, the former minister, Mandel, the press attaché at the British Embassy, and other persons, including the lawyers Moro-Giafferi and Torrès. The end of this chapter is as indicated, Page 16, last paragraph:

> "To sum up, we can say on the basis of the records which have been collected, that France, where Judaism was linked with Catholicism and with certain important politicians, was its last bulwark on the continent of Europe."

The following section has the title, "Life of the Jews after the Entry of the Germans." The text describes the way in which the Germans created a central and unified organization of the Jews and imposed it on them. This is the beginning of the plan which I have just described to the Tribunal, which consisted in singling out the Jewish elements in the population, massing them together, and separating them entirely from the rest of the population. I should like to read the first paragraph, for the analysis of it is very important:

> "After the Armistice and the return to normal life it appeared that almost all the Jewish associations had ceased to exist (in the absence of responsible officials and financial supporters who had fled into the unoccupied zone) while there was a growing need for aid. The progressive German anti-Jewish legislation caused a steady aggravation of the Jewish social problems. Generally considered, these circumstances should have provided a favorable ground in France for a Jewish all-round organization."

In this text there is a very subtle idea. We note that the German legislation, that is to say, the legislation of the Military Command, brought about a great aggravation of social problems; and we conclude that this will facilitate the general organization of the Jews. This reasoning confirms, I think, what I said to the Tribunal a while ago, namely, that we were faced with a whole system of measures, the first of which were intended to facilitate the separation of the Jewish community which was to be exterminated.

Dannecker then explains how a co-ordination committee was created. I skip the details and come to Page 21, Paragraph 2:

> "An agreement has been made with the office of the Commander of Greater Paris that, in the future, Jewish organizations may address themselves to the German services only by way of the Committee of Jewish Co-ordination. This resulted in an enforced amalgamation of all minor Jewish organizations.
>
> "Moreover, an agreement has been made with the Paris Office for National Relief (Bureau du Secours National) that, after the expiration of a period of 4 weeks, no Jew can any longer be fed and housed by National Relief. The S.N. will appoint a special representative for controlling the coordination committee on this matter. The blocking of Jewish accounts will compel the Jews in the very near future to ask that the co-ordination committee be authorized to receive gifts intended for it from these blocked holdings. The granting of this request will demonstrate the actual existence of an enforced Jewish union.
>
> "As can be seen this question too will be solved in the manner desired, even if it is a 'cold manner.'"

The following chapter bears the title, "Political Activities of the Office for Jewish Affairs of the Sipo and of the SD." I should like to read some passages from this:

> "After the promulgation of the Jewish statute of 3 October 1940 by the French Government, a certain slowing-down occurred in the handling of the Jewish question in France; and for this reason the Office for Jewish Affairs worked out plans for a Central Jewish Bureau. The plan was discussed with the military administration on 31 January 1941. The latter showed no interest; and, as the question was a purely political one, it was referred to the SD in agreement with the German Embassy."

This is followed by an analysis of various discussions with the French Commissioner Vallat, with Ambassador Abetz, and with

De Brinon and indicates the various demands presented by the Germans to the French authorities. I pass now to Page 26, the last paragraph:

> "The proposal of the Office for Jewish Affairs has been referred to SS Brigadeführer Dr. Best by SS Obersturmbannführer Dr. Knochen. This proposal suggests that a liaison office ought to be created which should comprise the representatives of the four offices cited above. The management was to be in the hands of the Director of the Office for Jewish Affairs of the SD in compliance with the rules stipulating the competency of the OKW, the OKH, and the Commander in France. As a result of this suggestion, a conference was held on 10 June 1941. Those who attended were: Ministerial Counsellor Dr. Stortz for the Commander in France"—then German titles follow which have not been translated into French and which are a little hard for me to read—"Dr. Blancke, (Economic Service), Counsellor to the Embassy Dr. Zeitschel (German Embassy), and SS Obersturmführer Dannecker. The representatives of the military administration stated clearly that the competence of the SD resulted from the decrees of the OKW and of the OKH as well as from the last confidential decree of 25 March 1941 of the Commander in France. Dr. Stortz declared that for various reasons it would be better to abstain from creating a special liaison bureau, under the direction of the SD. SS Obersturmführer Dannecker explained for his part that we are concerned with the final solution of the question only; and, therefore, the SD must have the possibility of carrying out the orders given by the RSHA."

THE PRESIDENT: M. Faure, can't you summarize this? It is a very long document, and we have so many documents and so much evidence in connection with the Jews already.

M. FAURE: I shall simply read one sentence on the same page:

> "The result of the conference was the decision to meet every week at the Office for Jewish Affairs. In the course of these meetings they would discuss in common all their aims, experiences, and objections."

I think it is interesting to note these regular conferences held every week and in which representatives of the military services, the embassy, and the police took part.

The following pages of the report can be passed over. They contain remarks about Vallat, notes relating to the establishment of files concerning the Jews, and an analysis of the German ordinances. This is important as showing that these ordinances have their place in the general plan. Dannecker likewise speaks of the Anti-Jewish Institute, and observes that this institute was financed by the German Embassy.

The report goes on to give statistical notes and concludes with a statement of which I shall read only one paragraph:

> "I hope I have succeeded in giving an idea of the present situation, and a summary of the manifold difficulties which had to be surmounted. I cannot help but acknowledge in this connection the really friendly and thorough support which has been given to our work by Ambassador Abetz and his representative, Minister Schleier, as well as by SS Sturmbannführer and Counsellor to the Embassy Dr. Zeitschel."

To meet the desire of the Tribunal, I shall not submit all the documents included in my document file. I shall therefore pass now to Document Number RF-1210. I have not submitted Documents RF-1208 and 1209. This Document Number RF-1210 is a new report of Dannecker's. It is dated 22 February 1942. I submit it to show the regular and progressive character of the activities of the German offices. This is a letter of the 22d of February 1942. I shall read simply the headings, and I shall quote two passages.

The first heading is "Task of the Sipo and of the SD in France"; the second is "Card Index of Jews"; the third, "French Commission for Jewish Questions"; the fourth, "The French Anti-Jewish Police." The fifth is entitled "Activity." I shall quote this paragraph:

> "Up to now three operations have been carried out against the Jews of Paris on a large scale. On each occasion the local office has been responsible for selecting the Jews who were to be arrested, as well as for the preparation and technical organization of the operations. The Jewish card index described above has considerably facilitated the organization of all these operations."

The next heading is "Anti-Jewish Institute"; next is "Compulsory Jewish Amalgamation"; and finally "Tuesday Conferences." I shall read Paragraph 2:

> "A conference has been held every Tuesday since the middle of 1941"—Page 5 of the document—"attended by representatives of the following offices: 1) Military Command, Administrative Staff, Administrative Section; 2) Administrative Staff, Police Group; 3) Administrative Staff, Economic Section; 4) German Embassy in Paris; 5) Operations Staff West of Reichsleiter Rosenberg.
>
> "The result of these conferences was that (of course, for very rare exceptions caused by outsiders) the policy regarding Jews

in the occupied territories can be followed on absolutely uniform lines."

THE PRESIDENT: We will break off now.

[A recess was taken.]

M. FAURE: Gentlemen, in order not to prolong the discussion too much, I should like, if it please the Tribunal, to submit as documents all the documents in my book, but to read and analyze only some of the most important.

I shall then pass over Documents RF-1211, 1212, 1213, and 1214. I should like, however, to draw the attention of the Tribunal to the end of the mimeographed French text. As the letter "K" appeared on the document, the word "Keitel" was written in, quite wrongly. I should like to say that this does not occur in the document. I should like to read this Document Number RF-1215, which is very short:

> "Secret—13 May 1942. To the Chief of Area A.
>
> "In accordance with instructions from OKH, Quartermaster General, the words 'dispatch to the East' must not be used in announcements referring to the forced evacuation of the population, in order to avoid a defamation of the occupied regions in the East. The same applies to the expression 'deportation,' this word being too strongly reminiscent of the banishment to Siberia at the time of the Czars. In all publications and correspondence we must use the phrase 'dispatch for forced labor.' "

Document Number RF-1216, which I offer in evidence now, is another memorandum from Dannecker, dated 10 March 1942. The purpose of this memorandum is defined as "Deportation from France of 5,000 Jews." The quotation of the title suffices to indicate the subject of the document. Dannecker alludes to a meeting of the Office for Jewish Affairs, a meeting which took place at the RSHA in Berlin on 4 March 1942 at which it was decided that negotiations would be undertaken for the deportation of 5,000 Jews from France. The memorandum specifies Paragraph 4, second sentence:

> "Jews of French nationality must be deprived of their nationality before being deported, or at the latest on the day of the deportation itself."

In a subsequent passage of the document Dannecker explains that the expenses of this deportation would have to be paid by the French Jews, since in the case of impending mass deportations of

Jews from Czechoslovakia provisions had been made for the Slovakian Government to pay a sum of 500 marks for each Jew deported and, in addition, to bear the cost of deportation.

I now offer in evidence Document Number RF-1217, which is a memorandum of 15 June 1942 headed "Other Transports of Jews Coming from France." It is still dealing with the same operation, but I believe it is interesting to submit these documents without reading them, since they show the extremely complex and regular working of this administration whose purpose was to arrest and deport innocent people. The beginning of the memorandum alludes to a new conference held in Berlin on 11 June 1942 and attended by those responsible for the Jewish departments in Brussels and The Hague, as well as by Dannecker himself. In the fourth paragraph on Page 1 of this document I read the last sentence of the paragraph, "Ten percent of Jews unfit for labor may be included in these convoys." This sentence shows that the purpose of this deportation was not merely to procure labor, even if it involved labor to be exterminated by work.

I should like also to read the fifth paragraph, which contains only one sentence:

> "It was agreed that 15,000 Jews should be expelled from Holland, 10,000 from Belgium, and up to 100,000 from France, including the unoccupied zone."

The last part of the memorandum relates to the technical execution. It alludes first to negotiations with the transport service to obtain the necessary trains. It then alludes to the necessity of inducing the *de facto* French Government to take steps to deprive of their nationality all Jews resident outside of French territory. This would mean that deported Jews would no longer be considered as French citizens. Lastly the French State was to pay the cost of transport and various expenses connected with the deportation.

I now present Document Number RF-1218, which is a memorandum dated 16 June 1942, entitled "The Transportation of Jews from France: Subject, Order from the SS Obersturmbannführer Eichmann to SS Hauptsturmführer Dannecker, 11 June 1942." The first three paragraphs of this memorandum show that there was difficulty in transporting deportees, because of the large quantity of railway stock necessary for the preparation of the eastern campaign. I should like to read the last two paragraphs of this letter:

> "We are now carrying out a large-scale reorganization of the German transport agencies in France. The main feature of this is that the numerous organizations existing hitherto will be taken over by the Reich Ministry of Transportation, which will be responsible for them. This reorganization, which was ordered without notice, takes a few days to complete. Before

> that date it is impossible to give approximate information as to whether the transportation of Jews can be carried out in the near future or at a later date, on the scale anticipated, or even partially."

These remarks seemed to me interesting as defining the responsibility of the Reich Cabinet. Such a large undertaking as the deportation of so many Jews required the intervention of many different administrative services, and we see here that the success of this enterprise depended on the reorganization of transport on the responsibility of the Reich Ministry of Transportation. It is certain that a ministerial department of this kind, which is above all a technical department, intervened to help carry out that general enterprise of deportation.

I now submit Document Number RF-1219 which is a memorandum by Dr. Knochen dated 15 June 1942. This memorandum is entitled, "Technical Execution of New Convoys of Jews from France." Not to take too much time I shall read only the first paragraph of this memorandum:

> "To avoid any conflict with the operation in progress with regard to 'French workmen for Germany,' mention will be made only of Jewish resettlement. This version is confirmed by the fact that the convoys may include entire families and therefore the possibility is left open of sending at a later date for the children under 16, who were left behind."

The remainder of the memorandum, like all these texts, which are so extremely painful from a moral point of view, continues to discuss the question of the deportation of the Jews in round figures as if all these human beings were mere goods and chattels.

I now submit Document Number RF-1220, which is a letter from the German Embassy in Paris, from Dr. Zeitschel, dated 27 June 1942. I should like to read this letter, which is thus expressed:

> "Following my conversation with Hauptsturmführer Dannecker on 27 June, during which he stated that he needed, as soon as possible, 50,000 Jews from the free zone for deportation to the East and that something had to be done to support the operations of Darquier de Pellepoix, the Commissioner General on Jewish questions, I immediately informed Ambassador Abetz and Counsellor Rahn of this matter. Counsellor Rahn is to meet President Laval this afternoon and he promised to discuss with him at once the handing over of these 50,000 Jews, demanding at the same time plenary powers for Darquier de Pellepoix, in conformity with the laws already promulgated, and the immediate granting of the credits promised him.

"As unfortunately I shall be away from Paris for a week, I request, in view of the urgency of the question, that Hauptsturmführer Dannecker contact Counsellor Rahn directly, on Monday, 29 June, or Tuesday, 30 June, at the latest, to learn Laval's reply."

I thought it useful to read this letter, for it shows the responsibility of the Ministry of Foreign Affairs and the Defendant Ribbentrop in this abominable matter of handing over 50,000 Jews as required. It is quite evident that such a step cannot be taken by a counsellor at an embassy unknown to his minister and without the latter's full knowledge and consent.

I submit now Document Number RF-1221. It is a memorandum dated 26 June 1942 of which I shall give only the title, "Directives for the Deportation of Jews."

Now I come to Document Number RF-1222, of which I shall also read only the title, "Conference with the Specialists for Jewish Questions of the Security Police, Command of the Section IV-J on 30 June 1942. Deportation to Auschwitz of Jews from the Occupied Territories."

In this memorandum Dannecker again alludes to the conference which took place at the RSHA, according to which 50,000 Jews were to be transferred. There follows a list of trains, the stations in which they were to be assembled, and a request for reports.

I now submit Document Number RF-1223. It is a memorandum, dated 1 July 1942, summing up a conference between Dannecker and Eichmann, who, as we already know, was in Berlin but had to come to Paris on that occasion. "Subject: Departmental Conference with SS Hauptsturmführer Dannecker, Paris, Concerning the Impending Evacution from France." It still deals with the preparation of the great operation envisaged.

I now submit Document Number RF-1224, of which I read only the title and the date, "4 July 1942: Directives for a Major Round-up of Jews in Paris."

I now offer in evidence Document Number RF-1225, which is a Dannecker memorandum dated 6 July 1942. Subject: "Deportation of Jews from France." It concerns a conference held with representatives of French authorities. We see in the document the expression "Judenmaterial," which was translated in a roundabout way by the words "Jewish livestock."

I now submit Document Number RF-1226. I should like to read, if the Tribunal please, the first paragraph of this document which is very revealing both in regard to the collaboration with the transport services and the horrifying mentality of the Nazi authorities. The memorandum is the sequel to a telephone conversation between the signatory Röthke and the SS Obersturmführer Eichmann at Berlin:

> "The SS Obersturmführer Eichmann in Berlin telephoned on 14 July 1942 about 1900 hours. He wished to know why the train provided for the transport of 15 July 1942 had been cancelled. I replied that originally the star bearers in the provinces were to be arrested too but that by virtue of a new agreement with the French Government only stateless Jews were to be arrested to begin with.
>
> "The train due to leave on 15 July 1942 had to be cancelled because, according to information received by the SD Kommando at Bordeaux, there were only 150 stateless Jews in Bordeaux. There was no time to find enough other Jews to fill this train. SS Obersturmführer Eichmann replied that it was a question of prestige. They had to conduct lengthy negotiations about these trains with the Reichsminister of Transportation, which turned out successfully; and now Paris cancels a train. Such a thing had never happened to him before. The matter was highly shameful. He did not wish to report it to SS Gruppenführer Müller right now, for the blame would fall on his own shoulders. He was reflecting whether he would not do without France as an evacuation country altogether."

I now submit Document Number RF-1227, which gives statistics indicating that up to the 2d of September 1942 27,069 Jews were evacuated and that by the end of October a total figure of 52,069 might be reached. They are anxious to accelerate the pace and to attack also the Jews in the unoccupied zone of France.

I now submit Document Number RF-1228. It is also an account of a conference where there were invited representatives of the French authorities. I should like to read only the last paragraph of this document:

> "On the occasion of the meeting which took place on 28 August 1942 in Berlin, it was stated that most of the European countries are much nearer to a final solution of the Jewish problem than France. In fact, these countries began much earlier. We then must catch up with them in many matters between now and 31 October 1942."

I now submit Document Number RF-1229 without reading it. It is a memorandum by Dr. Knochen on this same subject of deportation dated 31 December 1942.

I now submit Document Number RF-1230, which is a memorandum dated 6 March 1943, headed, "Ref: Present Situation of the Jewish Question in France." In the first part of this document, the deportations are stated to have reached a total of 49,000 Jews as on 6 March 1943. This is followed by a statement of the nationalities, which are extremely varied, of a certain number of Jews who were deported in addition to the French Jews. Paragraph 3 of this memorandum is headed, "Attitude of the Italians with Regard to the Jewish Question." I shall read only the first and the last lines of this long paragraph:

> "The attitude adopted up to now in the French territory occupied by Italy must be changed by all means if the Jewish problem is to be solved. A few conspicuous cases...."

I break off the quotation here. These conspicuous cases were cases in which the Italians opposed the arrest of Jews in the zone occupied by them.

I now read the last paragraph:

> "A.A. has been informed by the RSHA (Eichmann) about proceedings of the Italians."—A.A. appears to be the initials of the Ministry of Foreign Affairs and this is confirmed by the following sentence. I continue the quotation—"The Minister of Foreign Affairs, Ribbentrop, meant to discuss, in negotiations with the Duce, the attitude adopted by the Italians with regard to the Jewish question. We do not yet know the results of these discussions."

I shall not submit Documents RF-1231 and RF-1232. I pass then to the last documents which I want to present to the Tribunal. These documents relate more specifically to the deportation of children.

I submit Document Number RF-1233, which is a memorandum by Dannecker dated 21 July 1942. I shall read Paragraph 2:

> "The question of deporting children has been examined with SS Obersturmbannführer Eichmann. He dicided that as soon as deportations to the Government General could be resumed, convoys of children could be sent by rail. SS Obersturmführer Nowak promised to arrange about six convoys to the Government General at the end of August or the beginning of September, which may comprise all sorts of Jews (also disabled and old Jews)."

Now I offer in evidence Document Number RF-1234. It is a memorandum dated 13 August 1942. Before pointing out the interest of this document I remind the Tribunal that I have already submitted Document Number RF-1219 and in that document there was a formula which I recall, namely, "The possibility is left open of sending at a later date for children under 16 who were left behind." The Nazis wished to give the impression that they deported entire families at the same time or at least that they did not deport whole trainloads of children. To give this impression, they invented a device which is wholly incredible unless you actually see it in black and white: the mingling of children and adults in definite proportions. I read Paragraph 4 of this Document Number RF-1234:

> "The Jews arriving from the unoccupied zone will be mingled at Drancy with Jewish children now at Pithiviers and Beaune-la-Rolande, so that out of a total of 700 at least 500 Jewish adults 300 to 500 Jewish children will be allotted. According to instructions of the Reich Security Main Office, no trains containing Jewish children only are to leave."

I read the next sentence too:

> "Leguay has been told that 13 trainloads of Jews would also leave Drancy in September and that Jewish children from the unoccupied zone could be handed over."

I now submit the last document of the series dealing with the Jewish question, Document Number RF-1235. I am going to read it, as it is very short.

> "6 April 1944, Lyons, 2010 hours. Subject: Home for Jewish Children at Izieu, Ain.
>
> "The home for Jewish children, 'Child Colony,' at Izieu (Ain) was raided this morning and a total of 41 children aged from 3 to 13 were apprehended. Moreover, the arrest of the entire Jewish personnel, numbering 10 in all and including 5 women was successfully carried out. Money or other property could not be seized. The convoy for Drancy will leave on 7 April 1944."

This document also bears a memorandum written by hand and couched in the following terms:

> "Matter discussed in the presence of Dr. V. B. and Hauptsturmführer Brunner. Dr. V. B. stated that in cases of this kind, special measures were provided for the billeting of the children by the Obersturmführer Röthke. The Hauptsturmführer Brunner stated that he knew of no such instructions or plans and that on principle he did not approve of such special measures. In this case he would also follow the lines of the usual regulations for deportation. For the moment I made no decision affecting the principle in this respect."

For me what is even more striking and more horrible than the concrete fact of removing these children is the administrative color given to the proceedings, the report made through official channels, the meeting at which different officials placidly discussed the matter as if it were part of the normal business of the department. All the administrative mechanism of the State—I am speaking of the Nazi State—was set in motion on such an occasion and for such a purpose. It is a perfect illustration of the word used by Dannecker in his report: "The cold manner."

I now present the Tribunal with a continuation under the same head, including a certain number of documents which have been collected in order to show in accordance with our general line of presentation the perpetual interference of the German administrative services.

As I am a little behind my timetable, I shall give the numbers of only those documents which I should like to offer in evidence and which I have no time to describe. These documents will be numbered Documents RF-1238 to 1249.

I would like to read to the Tribunal only the document which bears the Number RF-1243, which is interesting as showing the organic character and the juridical claims of the German organizations. I shall quote a few sentences from this document:

> "In the report made by the Chief of the Administrative Staff on experience concerning the arrest from 7 to 14 December 1941 it was proposed to evade the execution of hostages in the future by having the death sentences passed through court-martial proceedings."

I shall skip the following two lines and continue:

> "The reprisal will be carried out by pronouncing and inflicting capital punishment on prisoners who would normally be sentenced only to imprisonment, or else be acquitted altogether. To influence the discretion of the judge concerning the meting out of punishment for committing murder or sabotage would answer the formalistic legal reasoning of the French."

I should like now, in the last paragraph of my presentation, to submit documentary evidence in connection with criminal actions of which the Tribunal has not yet been informed and which involve the personal responsibility of certain of the defendants present here. I must remind you that the criminal actions of the Nazis took extremely varied forms which have already been put before the Tribunal at some length. A particularly new and unusual manifestation of this consisted in causing crimes to be committed by organized bands of murderers, who were ordinary criminals, under conditions which made it appear as if these crimes were committed by ordinary bandits or even by resistance organizations which they tried in this way to dishonor.

Such crimes were committed in all the occupied countries; but the precautions taken, with good reason, to camouflage them sometimes make it difficult to trace back the responsibility for these crimes to the ringleaders, the leaders of the Nazi State. We were able to find this evidence in the records of proceedings instituted in Denmark. All the elements are contained in Danish reports of which we were able to get possession only a short time ago.

I can indicate the position very briefly. It concerns a series of murders which were committed in Denmark and which were known as "compensatory" or "clearing" murders. This definition is explained...

Counsel for the Defense tells me that there is an error in translation in the last document which I read—RF-1243. He says that "acquittal" is not the correct translation of "Begnadigung." As I do not know German, it is quite possible that this error exists and that the word means "pardon."

THE PRESIDENT: Which part of the document?

M. FAURE: This error really exists. I hope the Tribunal will excuse me, because there is a considerable amount of translation work. I shall read line 14 of Document Number RF-1243: "... who would normally be sentenced to imprisonment only or else be acquitted altogether." According to Counsel for the Defense that should be, "... who would normally be sentenced to imprisonment only or else be pardoned." The construction of the sentence does not seem to be as good when this word is used, which explains the error in translation if there was one. In any case, I think it is sufficient to note the instructions given: The imposition of "capital sentences" in cases where only a sentence of imprisonment would normally have been justified.

To come back to the subject I was discussing, I should like to make the situation clear by reading the definition given in the Danish report. It is found on Page 19 of the supplementary memorandum of the Danish Government. This document was submitted last Saturday under Number RF-901. As it is very bulky, I see that it is not included in the document book but that the passages which I cite can be found in my brief.

The page numbers start again at the end of this brief, and I am now on Page 3 in the last series of numbers. I quote Page 19 of the Danish report:

> "From New Year 1944 onwards, a large number of persons, most of them well known, were murdered at intervals which grew steadily shorter. The doorbell would ring, for instance, and one or two men would ask to speak to them. The moment they appeared at the door..."

THE PRESIDENT: I do not have it. Is it in this dossier of the administrative and juridical organization of the criminal actions? Under which document?

M. FAURE: It is not in the document book. It is in the dossier of the brief.

THE PRESIDENT: No. In the dossier? Which part of the dossier?

M. FAURE: It is the last part of the dossier. The numbering of the pages starts again after Page 76. If the Tribunal will turn to Page 76, the page numbers begin again after that with Page 1.

THE PRESIDENT: Yes, I have it.

M. FAURE: I read from Page 19 of the report, the extract reproduced on Page 3:

> "From New Year 1944 onwards, a large number of persons, most of them well known, were murdered at intervals which grew steadily shorter. The doorbell would ring, for instance, and one or two men would ask to speak to them. The moment they appeared at the door they were shot by these unknown persons. Or, someone would pretend to be ill and go to a doctor during the latter's consulting hour. When the doctor entered the room, the unknown shot him. At other times, unknown men would force their way into a house and kill the owner in front of his wife and his children, or else a man would be ambushed in the street by civilians and shot."

I do not need to read the following paragraph. I go on reading at the last paragraph on Page 19:

> "As the number of victims increased it was borne in upon the Danes, to their amazement, that there was a certain political motive behind all these murders; for they realized that in one way or another the Germans were the instigators.
>
> "After the capitulation of the German forces in Denmark, investigations by the Danish police established the fact that all these murders, running into hundreds, were in reality committed on the direct orders of the supreme authorities and with the active collaboration of Germans who occupied the highest positions in Denmark."

I end my quotation here and I shall summarize what follows: The Danish authorities were able to clear up these criminal affairs, 267 in number; and they are analyzed in the official Danish report and the documents attached to it. These acts consisted not only in actual crimes but also in other criminal activities, notably explosions. It was established that all these acts were committed by bands, consisting of Germans and some Danes, who constituted real groups of bandits but who acted, as I am going to prove to you, on orders from the highest quarters.

The Danish report contains in particular the detailed story of the investigation made into the first of these crimes, whose victim was Kaj Munk, the well-known Danish poet and pastor of a parish. The crime was confessed by the men who carried it out.

I summarize the document in order not to take too much time. The pastor was taken from his home, forced into a vehicle, and killed on the highway. His body was found next day with a sign pinned on it with the words, "Swine, you worked for Germany just the same."

The Tribunal sees how many similar crimes were committed in the vilest possible way. Now one of the first things discovered was that the members of the gangs of bandits who committed these different crimes had all received a personal letter of congratulation from Himmler. The text of this letter, which was found on one of the murderers, constitutes Appendix 14 of the Danish report; and, on the other hand, we have here photostatic copies with Himmler's signature.

But these extraordinary crimes involve in the most incredible way other persons responsible besides Himmler, himself. The Danish police were able to arrest Günther Pancke, who exercised the functions of Chief of Police in Denmark from 1 November 1943.

The inquiry was established by the tribunal of first instance in Copenhagen and is in the Danish report. It contains an account of the interrogation of Günther Pancke on 25 August 1945. It is necessary for me to read to the Tribunal an extract from this document, which involves several of the defendants. I quote:

> "On 30 December 1943 Pancke and Best were present at a meeting at the Führer's headquarters attended by Hitler, Himmler, Kaltenbrunner, General Von Hannecken, Keitel, Jodl, Schmundt, and others. This agrees with Best's diary for 30 December 1943. There is a copy of this. A representative of the German Foreign Office also attended; but Pancke does not remember his name nor whether the person in question made a speech. During the first part of the meeting, Hitler was in a very bad temper and everything led one to believe that the information that he had obtained concerning the situation in Denmark was rather exaggerated."

I should like to skip the following page, which is not indispensable and go on to Page 14 of my brief. In the passage which I am omitting, the witness Pancke reports that he and Dr. Best advised that saboteurs be fought in a legal way. He also points out on Page 14 that Hitler—I quote—"... was strongly opposed to the proposals of Pancke and Best, declaring there could be absolutely no question of judging saboteurs before a tribunal." He then said that such methods would lead to those condemned being considered as heroes.

I resume the quotation on Page 15, Line 3:

> "There was only one way of dealing with saboteurs, namely, to kill them, preferably, at the moment when the crime was committed; otherwise, on arrest. Both of them received strict orders from Hitler personally to start compensatory

murders. Pancke replied that it was very difficult and dangerous to shoot people on arrest, as they could not be sure when the arrest was made if the person arrested was really a saboteur. Hitler demanded compensatory murders in the proportion of at least five to one. In other words: Five Danes were to die for every German killed."

The rest of the document shows that General Von Hannecken made a report on the military situation. I shall read this paragraph, Page 16 of my brief:

"Moreover, General Keitel took part in the conversation; but he confined himself to a proposal to reduce food rations in Denmark to the same level as rations in Germany. This proposal was rejected by all the three representatives in Denmark. As a result, the meeting ended with Hitler's express order to Pancke to start compensatory murders and counter-sabotage. After this meeting, Pancke had a conversation alone with Himmler, who told him that he, Pancke, had now been told by the Führer, himself, how to act and that he thought that he could rely on Pancke to execute the order which he had received. It seemed that up to now he had executed only those of Himmler. Pancke knows that Best had a conversation with Ribbentrop immediately after the meeting, but doesn't remember the result."

The document then shows that these compensatory murders were carried out, not in the proportion of five to one, but in the proportion of one for one. It shows that reports on these compensatory muders were sent to Berlin.

I read on Page 18 of my brief, second paragraph:

"Pancke explained that in his opinion these murders were decreed deliberately by the supreme jurisdiction in Germany, as being necessary for the protection of Germans stationed in Denmark and Danes working for Germany; and so Pancke had to obey the order. Bovensiepen stated the facts and made suggestions when subjects of importance were raised. Pancke does not know whether Bovensiepen selected his own subjects in every case or whether in certain cases the subjects were selected by his subalterns; but he, too, said that he was subjected to strong pressure from the military side, especially from General Von Hannecken, although General Von Hannecken was at first opposed to reprisals by terror. Later still more pressure was exercised by Colonel General Lindemann. When soldiers were killed or damage was caused to military objectives, Pancke was immediately asked what steps he had taken and what they were to report to general headquarters, that is, to Hitler himself, from a military point

> of view. Pancke had to give a satisfactory reply, and he also had to take action."

I end my quotation here. General Pancke then explains how these terror groups were organized.

I must now say that the Danish police were also able to arrest Dr. Best, the German plenipotentiary, and make an inventory of his papers. Among them they found Dr. Best's private diary. This diary has one leaf, dated 30 December 1943, which agrees with the information given in the preceding testimony about the meeting held on 30 December 1943 in the Führer's tea house. This is at Page 21.

> "Lunch with Adolf Hitler, Reichsführer Himmler, Dr. Kaltenbrunner, SS Obergruppenführer Mr. Pancke, Field Marshal Keitel, General Jodl, General Von Hannecken, Lieutenant General Schmundt, Brigade Lieutenant Scherff. Lunch and discussions on the Danish question lasted from 1400 to 1630 hours."

Dr. Best was, naturally interrogated on the subject. From official Danish documents, extracts from which are found on Page 23 of my brief, it appears that Dr. Best corroborated the note in his diary dated 30 December which I have cited. With regard to the fundamental questions concerned, here is what Dr. Best says at the bottom of Page 23:

> "Dr. Best does not remember whether Hitler, who spoke at considerable length, said anything about compensatory murders being carried out in the proportion of five to one. Himmler and Kaltenbrunner agreed with Hitler. The rest of those present apparently expressed no opinion. The names given by Best agree with Pancke's list."—This is on Page 24—"The Ministry of Foreign Affairs was not represented, so that Sonnleitner did not attend the conference. After the conference, Dr. Best had a conversation alone with Ribbentrop, to whom he explained what had taken place. Ribbentrop shared his opinion that some protest should be made against such methods but that after all, nothing could be done."

It is proved, therefore, that the Defendants Kaltenbrunner, Keitel, and Jodl were present at a department meeting where it was decided that murder, pure and simple, should be organized in Denmark. The witnesses certainly do not say that the Defendants Keitel and Jodl showed any enthusiasm for this proposal, but it is established that they were present and that they were present in the exercise of their functions along with their subordinate, the military commander of Denmark. This is a question of responsibility for several hundred murders abominable in themselves but undoubtedly constituting only a small part of the crimes implied by the Prosecution and carried out on millions of victims. I think, however, that it is important to learn that the military and diplomatic leaders knew and accepted the systematic organization of acts of banditry and murders committed by professional killers who fled when they had committed their crimes.

The documents which I have just cited are the last of the series which I wanted to present to the Tribunal. I shall not follow them up by commentary. I think that there is so much monotony and at the same time so many shades of variety in the innumerable crimes committed by the Nazis that the human mind finds it difficult to grasp their whole extent. Each of these crimes has in itself all the intensity of horror and reflects the distorted values of the doctrine responsible for them. If it be true that life has any meaning whatsoever, if there is around and within us anything else than "sound and fury," such a doctrine must be condemned with the men who originated it and directed its enterprises.

THE PRESIDENT: Could you tell us what is proposed for tomorrow?

M. FAURE: Tomorrow, M. Gerthoffer will, if it suits the Tribunal, make a statement on pillage of works of art. A problem is involved here. For at the time when this would normally have been done, we decided to dispense with it, thinking that a reference to the American documents would be sufficient. On consulting our American colleagues, however, it appeared that they themselves relied on that part of the matter being presented by the French Prosecution. So, if the Tribunal does not object to our returning to the subject now, a statement will be presented to this effect.

On the other hand, one of the magistrates of the French Delegation proposes to present a brief which recapitulates systematically the charges against each of the defendants, according to the documents and briefs submitted.

THE PRESIDENT: I think the Tribunal would hope that the exposé on the pillage of objects of art will be quite short because it must be cumulative, because you will remember that we had at some stage of the Trial presented to us 39 books, or 30, or some number of books of objects of art which had been taken away from various parts of Europe and France and all photographed by the Germans themselves; and, therefore, any evidence which would now be given would be cumulative to that spoliation.

M. FAURE: That is why I asked the Tribunal whether it would agree to this procedure; but at any rate, if the Tribunal considers that the statement can be made, it will be only a very short statement which will take about two hours.

DR. ALFRED THOMA (Counsel for Defendant Rosenberg): If I understood M. Faure correctly, he asked the Tribunal whether the confiscation and plundering of works of art in France would again be dealt with tomorrow. I should like to add that the American Prosecution has already declared before this Tribunal that the question of the plundering of works of art could not be dealt with again. Accordingly, I myself, representing Rosenberg, and my colleague, Dr. Stahmer, representing Göring, took steps to cancel the calling of witnesses whom we had planned to bring. If, however, the French Prosecution intends to submit new material, we must have these witnesses called again. For this reason, I should like to ask the Tribunal to decide whether it is necessary for the confiscation of works of art objects in France to be taken up once more.

THE PRESIDENT: I think defendant's counsel must be wrong in thinking that the United States counsel said anything which meant that the French Prosecution could not produce evidence with reference to the spoliation of objects of art. I can't think the United States had any authority to do that and I had understood myself that this part of the Prosecution had been omitted by one of the French Counsel on account of the request of the Tribunal to shorten their argument. Was that not so?

M. FAURE: That is quite true, Mr. President. Your interpretation is exact.

THE PRESIDENT: I think the Tribunal would wish that the presentation should be made, if the French Prosecutors wish it; and it should be made as shortly as possible.

M. FAURE: Thank you.

[The Tribunal adjourned until 6 February 1946 at 1000 hours.]

FIFTY-SECOND DAY

Wednesday, 6 February 1946

Morning Session

M. FAURE: If it please the Tribunal, M. Gerthoffer will now present the brief concerning the pillage of works of art.

M. CHARLES GERTHOFFER (Assistant Prosecutor for the French Republic): The Economic Section of the French Delegation had prepared a report on the pillage of works of art in the occupied countries of western Europe.

We had thought, at the session of 22 January last, of waiving the presentation of this statement in order to expedite the proceedings, while holding ourselves at the disposal of the Tribunal should they consider the presentation necessary. However, since then—on 31 January—the American Prosecutor was good enough to inform us that the Defendant Rosenberg intended to maintain that the artistic treasures were collected only in order to be "protected."

We consider, from the documents which we are holding at the disposal of the Court, that this cannot be a question of protection only but that this was genuine spoliation; and I am at the Tribunal's disposal to prove this, in a statement which I shall make as brief as possible, while offering in evidence the documents which we had already collected. If the Tribunal wish, I can make this very brief statement. In any case, I am at the disposal of the Tribunal.

Mr. President, Gentlemen, the pillage of works of art has a cultural significance to which I shall not refer again since it was the subject of a statement presented by Colonel Storey on 18 December 1945. I shall simply regard the subject from the economic point of view in order to complete the report on the general spoliation of the western European countries.

As the Tribunal will realize, the leaders of the Reich primarily and systematically seized works of art belonging to private individuals, mostly under the pretext that these individuals were Jews, thus procuring for themselves very valuable means of exchange. In Belgium, Holland, Luxembourg, and France picture galleries, public as well as private collections, ancient furniture, china, and jewelry were stolen.

It was not a question of individual looting, of pillaging by soldiers, such as is encountered in all wars and of which we still find examples; this campaign of plunder was carried out in a systematic and disciplined manner. The methods introduced varied in character. Personal judgment and personal initiative could be exercised only insofar as they contributed to the execution of plans already elaborated by the National Socialist leaders before the month of June 1940.

The official organization for pillaging was primarily Minister Rosenberg's Einsatzstab for the occupied territories of western Europe and the Netherlands. If this organization was not the sole agent, it was the most important one. Colonel Storey has already drawn the attention of the Tribunal to this criminal behavior.

The urge to seize works of art, as well as material wealth, underlies the policy of National Socialist expansion. The behavior in Poland of the Defendant Frank has already given sufficient proof of this. The idea of protecting this valuable booty arose at the time of the invasion of western Europe. From the very beginning, in their haste and their desire to seize as much as they could, several parallel authorities would carry out the confiscations, firstly by the military authorities, either indirectly, as in Holland through the special services of the Devisenschutzkommando or directly as in France through the Department for the Protection of Works of Art. Further, the same mission was entrusted simultaneously to the civil authorities, whether represented by the German Embassy in Paris or, in Holland, the Office for Enemy Property under the auspices of the Reich Commissioner. This plurality of control, moreover, did not end with the establishment of the Rosenberg Staff.

This is the first phase in the pillage of works of art. According to official correspondence, as well as to the statements of Otto Abetz, the initiative may be attributed to the Minister of Foreign Affairs, beginning with the Defendant Ribbentrop. The first phase lasted from the entrance of the Germans into the countries of western Europe until October 1940.

The second phase opened with the arrival of Einsatzstab Rosenberg which appeared on the scene under the aegis of the Defendant Göring. From now on this Einsatzstab must be considered primarily responsible for the organized pillage.

Towards July 1942 a third phase opens in the history of the Staff Rosenberg. The person primarily responsible is the Defendant Alfred Rosenberg. The activities of this staff did not cease in Europe until the liberation. One part of the archives of the Rosenberg services fell into the hands of the French armies; another part, which had been sent to Füssen, was seized by the American Army which also picked up the archives of the Defendant Rosenberg. This is the origin of the PS documents submitted to the Tribunal.

The seizure of works of art began with the entrance of the German troops into Holland, Belgium, and France. In Paris, as from the month of June, there was an Embassy service directed by Dr. Von Kunsberg and Dr. Dirksen similar to a specialized service of the Military Governor directed by Count Wolff Metternich. This order of seizure, in defiance of the Hague Convention, applied to public as well as to private property. The Defendant Keitel, on 30 June 1940, issued an order to the Governor of Paris, General Von Bockelberg. I submit a copy of this order as Document Number RF-1301. Here it is:

> "The Führer, on receiving the report of the Reich Minister for Foreign Affairs, has issued an order to safeguard for the time being, in addition to objects of art belonging to the French State, also such works of art and antiquities which constitute private property. Especially Jewish private property is to be taken in custody by the occupational power against removal or concealment, after having been labelled with the names of their present French owners. There is no intention of expropriation but certainly of a transfer into our custody to serve as a pawn in the peace negotiations."

Identical measures were soon taken in Holland, Belgium, and Luxembourg. Exhibit Number RF-1302, which is a document discovered by the Army of the United States and which was registered under Document Number 137-PS, a copy of which I submit, was drawn up by Defendant Keitel on 5 July 1940:

> "Reichsleiter Rosenberg has suggested the following to the Führer:
>
> "1. State libraries and archives to be searched for documents of value to Germany.
>
> "2. The chancelleries and high authorities of the Church, as well as the Masonic lodges, to be searched for proofs of political activities directed against us and the proofs in question to be seized.
>
> "The Führer has ordered that this suggestion be carried out and that the Gestapo, assisted by the archivists of Reichsleiter Rosenberg, be placed in charge of the search. The Chief of the Security Police, SS Gruppenführer Heydrich, has been informed. He is to contact the military commander competent to deal with the execution of these orders.
>
> "These measures to be executed in all regions of the Netherlands, Belgium, Luxembourg, and France which are occupied by us.
>
> "It is requested that subordinate offices be informed.
>
> "The Chief of the High Command of the Armed Forces, (signed) Keitel."

I submit under Exhibit Number RF-1303 a copy of Document Number 139-PS, drawn up for Holland and expressed in approximately the same terms, and under Exhibit Number RF-1304 I submit a copy of Document Number 140-PS which is an analogous order for Belgium.

At the same time, by a decree of 15 July 1940 in execution of Keitel's orders, a decree for the protection of works of art was issued in the occupied territories. This decree appeared in the German *Official Bulletin* VOBIF Number 3, Page 49 and following. I submit a copy of this decree under Document Number RF-1305, and I request the permission of the Tribunal to quote the two following paragraphs:

First paragraph, Section 1:

"Moveable works of art will not be taken from the place where they are at present or modified in any way whatsoever without the written authorization of a commander of the military administration."

Section 3:

"Moveable works of art whose value exceeds 100,000 francs must be declared by their owners or custodians in writing prior to 15 August 1940, to the competent field command or some other authority indicated by the latter."

If the Tribunal will kindly recall the explanation which I had the honor of presenting 2 weeks ago, it will remember that the Germans had, at the same time, issued similar decrees for freezing or immobilizing private property, currency, and other wealth.

In this decree, intended to be known by the population of the occupied territories, the question of safekeeping and confiscation had not yet arisen; the decree merely dealt with immobilization and declaration—preparatory measures, these, to future spoliation, and an indication of bad faith to be remembered.

Beginning with that period, seizures of the most famous French-Jewish art collections were carried out; seizures made under such conditions that they provoked numerous protests which were submitted to the Armistice Commission at Wiesbaden. I submit in the document book, as Document Number RF-1306, a letter of the French Secretary for Finance of 18 December 1941 containing one of these protests. So as not to waste the time of the Tribunal I shall not quote the document but shall merely offer it in evidence.

No dividing line was drawn between the activities or powers of civil authorities and those of military authorities. There were conflicts and rivalries but as from March 1941 Staff Rosenberg occupied the foreground; and it is possible to say that from 1940 to 1944 it enjoyed a monopoly in the confiscation of works of art in Luxembourg, Belgium, Holland, and France. Staff Rosenberg originated in the Office of Foreign Affairs of the Party. Hence the first function, in theory, of Staff Rosenberg, consisted in gathering political material which could and might be exploited in the struggle against Jewry and Free Masonry by the Hohe Schule. This is the Advance School, whose purpose Hitler defined in his order of 29 January 1940 to be found in the American documentation under Number 136-PS, a copy of which I submit in evidence as Exhibit Number RF-1308. The document is very brief and I shall read it to the Tribunal:

> "The Hohe Schule is some day to become the center for National Socialist doctrinal research and education. It will be established after the war. However, in order to expedite the preparatory work already initiated, I order that Reichsleiter Alfred Rosenberg continue this preparatory work, especially in the field of research and the establishment of a library. The offices of the Party and the State organizations are required to support his work in every way.
>
> "Berlin 29 January 1940, (signed) Adolf Hitler."

Entrusted with the finding and seizing of Jewish collections which had been left "ownerless" in the occupied territories, Staff Rosenberg did not content itself with looting private houses; its activities also applied to the seizure of many trusts, especially of those deposited in strong boxes in banks. This is evident from the passage of the document that I submit as Document Number RF-1307 from which, the Tribunal permitting, I shall read a passage. This is on Page 2 of the translation and is also to be found in the brief:

> "On 26 September 1941 M. Braumüller, acting on Rosenberg's behalf, removed two cases filled with objects of art, which are listed and deposited with the agency of the Société Générale at Arcachon under the name of the depositor, M. Philippe de Rothschild, who has not yet regained his French nationality."

As a matter of fact, the field of activity of Staff Rosenberg was not confined to the pillage of Jewish or Masonic property. It rapidly absorbed all it could of the artistic heritage of the occupied countries, a heritage which Staff Rosenberg appropriated by invariably illegal means without distinguishing between private property and public property.

This action of Staff Rosenberg was inspired by the orders of the Defendant Göring himself. It is thus that I submit as Exhibit Number RF-1309, a document, discovered by the Army of the United States and filed under Document Number 141-PS, which consists of an order of the Defendant Göring, Paris, dated 5 November 1940 and which extends the activities of Staff Rosenberg. Here is the order:

> "To carry out the present measures for safeguarding Jewish property taken over by the Chief of the Military Administration in Paris and by Einsatzstab Rosenberg, the following procedure will be observed in connection with the art treasures deposited at the Louvre:
>
> "1. Those art objects regarding which the Führer has reserved to himself the right of further disposal,
>
> "2. those art objects which could serve to complete the collection of the Reich Marshal,
>
> "3. those art objects and libraries which appear suitable for equipping the Hohe Schule within Reichsleiter Rosenberg's sphere of duty."

THE PRESIDENT: I think this document has already been read, M. Gerthoffer. I think this document was read by Colonel Storey.

M. GERTHOFFER: I shall omit the quotation, Mr. President.

I now come to an order, issued by the Defendant Keitel, of 17 September 1940, a copy of which I submit as Exhibit Number RF-1310, filed in the American documents as Document Number 138-PS. Here is the principal passage:

> "Implementing the order of the Führer transmitted to Reichsleiter Rosenberg and made known to you at the time, to the effect that the premises of Masonic lodges, together with libraries and archives in the occupied countries, must be searched for material of value to Germany and that this material must be safeguarded by the Gestapo, the Führer has made the following decision:
>
> "Reichsleiter Rosenberg, or his representative Reichshauptstellenleiter Ebert, has received from the Führer, personally, unequivocal instructions concerning the right of confiscation. He is authorized to transport to Germany such objects which appear to him of value and to place them here in security. You are requested to inform the competent military commanders or offices."

The activities of Staff Rosenberg were multiple. Thus, for instance, on 18 December 1941, Rosenberg suggested to Hitler the seizure of Jewish furniture in the occupied territories of the West to serve for the establishments of Party organizations in the regions of the East.

Here is a copy of the document which was discovered by the Army of the United States, which bears the Document Number

001-PS, a copy of which I include in the document book under Exhibit Number RF-1311.

> "Everywhere in the East the administration found terrible housing conditions, and the possibilities of getting supplies are so limited that it is practically impossible to obtain anything. That is why I request the Führer to concede that the furniture belonging to Jews who have fled, or those who are leaving Paris or any of the occupied territories of the West, be confiscated in order to supplement, as far as possible, the furniture for the establishments of the eastern administration."

I have reached the bottom of Page 15.

Moreover, the Germans concealed their intentions. This is evident from the letter, dated 28 February 1942, addressed to the German Armistice Commission by the German Military Commander in France, of which I offer a photograph as Document Number RF-1312, Page 16. Here are a few extracts from this letter:

> "Taking into consideration the special mission entrusted to Staff Rosenberg for seizing art objects of Jewish ownership, protests by the French Government against the activities of Staff Rosenberg have always been forwarded by us to the OKH while the reply was sent to the French Government that the protest has been forwarded to the office in charge in Berlin for investigation and decision."

Further on, in the same letter, we read:

> "The mission of Staff Rosenberg must, as in the past, be kept secret from the French authorities."

A letter addressed to the Section Chief of the Military Administration in Paris of 7 April 1942, which I offer in evidence as Document Number RF-1313, contains the same directives. Here is the passage:

> "Furniture belonging to Jews of English or American nationality will not be confiscated for the time being but only the furniture of Jews who are nationals of the Reich or of a country partially or totally occupied by the Reich or of Jews who are stateless. The confiscated objects become the property of the Reich. No receipt will be given. The right of third parties, especially those of lessors or of owners of store houses, is to be considered as cancelled."

Further on in the same instructions, Page 17 of the brief:

> "6. The operations must be carried out as discreetly as possible. As to general questions, inquiries by the local French authorities concerning the operations must be answered verbally to the effect that these are punitive measures ordered

> by a higher authority. Further arguments are to be avoided. Individual complaints are to be forwarded to the Einsatzstab."

And further on:

> "Discussions by the press concerning the utilization of vacant Jewish premises are undesirable for the time being."

I turn to Page 19 in the brief to quote a very short passage of a letter dated 18 June 1942, signed by Rosenberg and addressed to the Defendant Göring. I offer in evidence a copy of this letter as Document Number RF-1314. Here is the passage which I shall read to the Tribunal. Page 20 of the brief, Page 2 of the document book:

> "Some time ago I explicitly approved the instructions given by the Chief of my Einsatzstab, Stabsführer Party member Utikal, that Party member Dr. Lohse of the Bildende Kunst Office be put at your disposal for any purpose you may desire."

I now come to a few explanations, Gentlemen, on the seizure operations, Page 22 of my written report:

> "Since the first confiscations were made by the military authorities, the Devisenschutzkommando, and the German Embassy, Staff Rosenberg did not appear on the scene until the time when the great collective seizures had already been completed.
>
> "The greater part of the Rothschild, Kahn, Weil-Picard, and Wildenstein collections had been confiscated and they represented three-quarters of the total booty of Staff Rosenberg."

As far as the methods which were used to seize these works of art are concerned, I submit to the Tribunal a document which is a letter of the Secretary of French Finance, dated 25 October 1941. I offer it in evidence as Document Number RF-1315; and so as not to waste the Tribunal's time I shall merely deposit this document since it is quite probable that my colleague will allude to it in his turn. Page 24 of the written report...

THE PRESIDENT: How do you prove that the greater part of the Rothschild, Kahn, Weil-Picard, and Wildenstein collections was confiscated in the middle of November 1940? What is the evidence of it?

M. GERTHOFFER: General information furnished by the Fine Arts Department.

THE PRESIDENT: Have you put in a report of a government committee which states that?

M. GERTHOFFER: No, Mr. President, I have not got the report in my dossier. I did not believe it was necessary to present it in evidence, because I thought that it was admitted that nearly all the Rothschild collections were seized at this time.

THE PRESIDENT: I do not think we can take judicial notice of it in the absence of some government report and simply upon the statement.

M. GERTHOFFER: I think the question is not of great interest.

THE PRESIDENT: Well, the Tribunal cannot take any notice of statements which are not supported by evidence; therefore we shall disregard that statement. We must have the evidence first.

M. GERTHOFFER: I consider that the question is not of interest, since the Tribunal will soon see the enormous quantities of works of art which were removed by the Germans and I thought it would be useless to mention the individual owners by name.

THE PRESIDENT: I see that in the Document Number 1015-PS, which is in your second document book, the facts are stated. I do not know whether you are going to make use of that Exhibit Number RF-1323.

M. GERTHOFFER: Number RF-1323 (Document Number 1015-PS(b)) is the report of Dr. Scholz on the activities of Staff Rosenberg. This report contains details of quantities of works of art which were seized. I will quote this document later on.

THE PRESIDENT: And it includes the dates October 1940 to July 1944, and includes the Rothschild collection. I do not know whether it refers also to the other collections which are mentioned in your exposé.

M. GERTHOFFER: I shall cite this document a little later on. The report in question was also quoted on 18 December by Colonel Storey.

THE PRESIDENT: I intervened only for the purpose of saying that we cannot take any notice of statements of facts unless there is some evidence to support them.

M. GERTHOFFER: After the seizures had been effected (Page 44 of the exposé) the Germans carried out the work of listing, cataloging, and preparing for the presentation of the objects confiscated. This was a very great task indeed, rendered excessively long and complicated by lack of order and method. Objects of art were brought to the museum of the Jeu de Paume and to the Louvre; they arrived mostly in one sole lot and from extremely varied sources, hence the impossibility of drawing up an inventory of the objects seized. The vast quantity of material was classified as "Unknown" insofar as its origin was concerned. Nevertheless, in a report of Staff Rosenberg of 15 April 1943, discovered by the Army of the United States and registered under Document Number 172-PS, a copy of which I submit as Exhibit Number RF-1316, we find the following passage:

> "By this detailed study of the material confiscated, an absolutely reliable basis has been afforded for a final and summary account of the entire operation of seizure. The preliminary studies were made in such a way that after formulation of the final report the latter has to be considered, in every respect, as an incontestable document of a historically significant seizure of works of art unique in its kind."

I come to Page 26 of my brief. Certain of these works of art were considered by the Germans as degenerate, and their admittance into National Socialist territory was forbidden. Theoretically speaking they should have been destroyed; but within the scope of total war economy these pictures, although condemned, were none the less of commercial value and as a means of barter their value was both definite and high. So these pictures, carefully selected from among the great public collections and from private collections, were confiscated; and as already provided for in Section 5 of the decree of 5 November 1940, placed on the French and German art markets. In addition to these condemned pictures, others were set aside as being of lesser interest in the official collections. They formed the object of numerous fraudulent transactions.

We now come to the traffic in works of art. We are not, in this case, dealing with secret and unlawful operations, the personal acts of such-and-such a member of the Rosenberg Service; we are dealing with official operations. Two kinds of operations were currently carried out by the Einsatzstab, that is, exchanges and sales.

Exchanges. On this subject we have, by way of an example, the evidence of M. Gustav Rochlitz, received by the examining judge, M. Frapié, in Paris on 6 January 1946. I submit the evidence as Document Number RF-1317 and shall read a passage to the Tribunal.

> "During the years 1941 and 1942 I exchanged various old pictures for 80 modern ones, delivered by Lohse, who always told me that these exchanges were carried out on Göring's order, and that the pictures received had been intended for Göring. I have since learned that all the pictures given in exchange are contained in the Göring collection. I delivered in exchange about 35 pictures, possibly more."

These facts are confirmed by the Defendant Rosenberg himself in the last lines of his report of 15 April 1943, filed under Document Number 172-PS already quoted, of which I have entered a copy under Exhibit Number RF-1316. Here is an interesting passage of the report.

> "By order of the Reich Marshal a certain number of these works of modern and degenerate French art were favorably bartered with French art dealers for pictures of a recognized artistic value. In this way, 87 works of old Italian, Dutch, and German masters of high and recognized value were acquired on very favorable conditions."

Numerous works of art, books, and especially pictures, were sold by representatives of Staff Rosenberg. Some were sold in France, others in Germany or Switzerland. The fact that this was a calculated procedure is evident if we consider that the value of these pictures, confiscated under the legally fallacious pretext of keeping them in safe custody, could be realized if they were sold on neutral markets and paid for in foreign currency.

I now consider that I should give you some brief explanations of the justifications offered by the Germans concerning their confiscations. Primarily these justifications are mere quibbles relating to the nature of the seizures. The seizures were only temporary and preservative measures for the safekeeping of the art treasures. Count Metternich, Chief of the Department for the Protection of Works of Art in France from July 1940 to 1942, made this point quite clear in a report, a copy of which has been discovered in France and which I submit as Document Number RF-1318. Here are some brief excerpts from this report, at the bottom of Page 29 of the exposé:

> "Shortly after arriving in France, I realized that various departments which did not belong to the Military Administration were interested in removable objects of art."

And further on, in the same paragraph:

> "It has been said that there was no intention of expropriation but that these objects were to be considered as pawns to be used in future peace negotiations. No detailed instructions were given as to how the operations should be carried out; and in particular, no interpretation was given of the term 'custody'."

The vague expression "in custody" has been subjected to every variety of interpretation. According to some the seizure was only a temporary measure, although the question of definite appropriation nevertheless remained unclarified. For the Defendant Rosenberg the solution was simple; he expresses it in a letter, previously quoted, of 18 June 1942 addressed to Göring, which I have just submitted under Document Number RF-1314. This is the relevant passage:

> "I therefore believe you will be in agreement with me on this point, namely, that art objects of Jewish ownership taken into custody should be considered as seized for the benefit of

> the NSDAP. With regard to material for research work, the Führer has already decided that these objects, now in the custody of the Einsatzstab, shall become the property of the Hohe Schule. It would be only just and fair that the great art treasures now in custody should one day become the property of the NSDAP. Needless to say, the decision of this question rests with the Führer. However, since the NSDAP has financed a war of 20 years' standing against Jewry, such a decision would appear permissible."

And we are justified in saying that these confiscations are now no longer measures of preservation or requisition, but a species of booty which perforce must fall into the hands of a German people triumphing over the Jewish race whom they have outlawed.

In a report justifying their action, demanded by the Army Commander and drawn up on the order of the Defendant Rosenberg by the Chief of the Einsatzstab, Utikal, in November 1941, the latter went so far as to state—I submit this report as Documents RF-1319, RF-1320, and RF-1321; and I quote a brief passage from the attached supplement Number RF-1321, Page 31:

> "The German measures of reprisal against the Jews are likewise justified by international law. It is a recognized principle of international law that, in war, reprisals may be taken by resorting to the same procedures and the same concepts as primarily used by the enemy. Since time immemorial the Jews have, in their Jewish laws codified in the Talmud and the Schulchan Aruch, applied the principle that all non-Jews are to be considered as so much cattle, as outlaws; and the property of non-Jews should be dealt with as a thing which has been abandoned, that is to say, as derelict property."

Thus, Gentlemen, the confiscations of the Einsatzstab were sheltered by this strange interpretation of law. It seems useless to discuss the value of this argument before the Tribunal. The Belgian, Dutch, and French authorities made frequent protests, based on the most elementary principles of international law, but always met with refusals.

It would at any rate be suitable to define the extent of these seizures. It is difficult to give a total estimate, although Rosenberg, himself, on several occasions made an estimate of his booty, especially in a letter to the Treasurer of the Party, Schwarz, 14 November 1940, a document discovered by the Army of the United States and bearing the Document Number 1736-PS, a copy of which I offer in evidence as Exhibit Number RF-1322. At that date Rosenberg already considered that the booty amounted to 500,000,000 Reichsmark.

The documents of the Einsatzstab are sufficiently numerous and precise to allow us to establish certain quantitative data. First, the seizures by the General Staff for Art Treasures. The fundamental document is a report of Dr. Scholz, dated 14 July 1944, which we have just mentioned. This is Document Number 1015-PS, which was presented in part to the Court by Colonel Storey and which I offer in evidence as Exhibit Number RF-1323. From this report I shall extract only some very brief indications concerning the quantities of art objects carried off.

According to this report, 21,903 objects taken from 203 private collections, were removed, notably from the Rothschild, Alphons Kahn, David Weil, Lévy de Benzion, and the Seligmann brothers collections. According to the same report there were "all told, 29 transports, 137 trucks, and 4,174 cases."

I shall not quote any further from this report, because I think that my colleague, also entrusted with making the charges, will allude to it.

THE PRESIDENT: Would that be a convenient time to break off?

[A recess was taken.]

M. GERTHOFFER: Staff Rosenberg was not only interested in paintings and objects of art, but in books as well. Thus it appears, in a document discovered by the United States Army and registered under Document Number 171-PS, of which I submit a copy as Exhibit Number RF-1324, that 550,000 volumes were seized in France.

Holland also provided a heavy contribution in books. Libraries rich in early prints, books, and manuscripts were pillaged. It appears from Document Number 176-PS, discovered by the United States Army, a copy of which I submit as Exhibit Number RF-1325, that the value of the books amounted to about thirty or forty million Reichsmark.

It must also be noted, as proved by Documents 178-PS and 171-PS, which I submit as Exhibit Number RF-1326, that archives of the Rothschild Bank were taken away in the month of February 1941.

Staff Rosenberg likewise pillaged furniture. This is quite evident from a note addressed by the Defendant Rosenberg to the Führer, dated 3 October 1942, submitted under Document Number RF-1327. I read the following passage:

> "For carrying out action 'M' the Dienststelle Westen was created in Paris with special branches (Einsatzleitungen) in Belgium, France, and the Netherlands. This service has to

> date sent about 40,000 tons of furniture to the Reich, utilizing all available transport, ship, and railroad facilities. Since it was recognized that the needs of bombed-out people of the Reich should be given preference over the needs of those in the East, the Reich Ministry has placed a considerable part of this furniture (over 19,500 tons) at the disposal of bombed-out people in the Reich...."

A copy of a Rosenberg report, dated 4 November 1943, Document Number 1737-PS(b), a copy of which I submit as Exhibit Number RF-1328, tells us:

> "52,828 Jewish lodgings were seized and sealed in favor of the bombed-out victims. Including special orders, furniture has been removed from 47,569 dwellings for shipment to the bombed cities."

Document Number L-188, found by the American 7th Army, is a report issued by the offices of the Defendant Rosenberg, Item 8 of which I submit as Exhibit Number RF-1329, shows that over 69,619 Jewish lodgings were looted, that the furniture occupied over 1 million cubic meters, and that it took 26,984 freight cars, that is, 674 trains, to remove it.

In the same file there is a document which I submit, Document Number RF-1330, which indicates that in Paris alone 38,000 Jewish lodgings were emptied of their contents.

Document Number 1772-PS, already submitted under Exhibit Number RF-1325, indicates that in Holland, from March 1942 to July 1943 inclusive, 22,623 lodgings were emptied of their contents and that it took 586 barges and 178 freight cars to move this furniture. These few figures undeniably suffice to support the accusation of economic pillage levied against Staff Rosenberg on behalf of the western European countries.

As has already been stated, although the material elements of the breach of the law remain unaltered, there can be no comparison between the pillaging typical of the history of this or that conqueror and practiced throughout the centuries, and the pillaging as understood by the defendants.

What prevents any comparison between the past pillaging and the looting practiced by Staff Rosenberg or the National Socialist chiefs, is the difference in purpose, however difficult and delicate a matter it may be to analyze it. The looting in the past of works of art may primarily be traced to the vanity of the conqueror, in which his egoism, his taste, and his love of glory played the determining part in the pillaging. It is of course possible to identify the same feeling as underlying the criminal activities of one or the other of the defendants. But—and here we find the fundamental difference—the National Socialist leaders, when estimating the value of this and that painting or of this or that work of art, wittingly took into account both the standard of aesthetic wealth, that is the value of the object to the individual, and the standard of material wealth, that is its exchange value, an exchange value in which it is a matter of retaining a pledge, if not to facilitate, at least to bring pressure to bear when negotiating future peace treaties, as is evident from the documents submitted to the Tribunal.

Whatsoever the pretexts or excuses submitted by the National Socialist leaders when seizing the artistic heritage of western Europe, whether by theft, by so-called preservative confiscations, or by direct purchase from the owners or the markets for the sale of objects of art, the criminal intention is always the same.

The German motive was undeniably the establishment of a reserve of securities, if not for the satisfaction of the individual desire, then for the satisfaction of a collective need in conformity with the myth of the "Greater Germany."

This reserve of securities would have a triple advantage: A cultural advantage, that is, the advantage of the Hohe Schule. Secondly, an economic advantage, a basis for financial speculation and a reserve of securities easily negotiable in the markets of the world; above all, a reserve of fixed value entirely unaffected by the fluctuations in the cost of raw materials and unaffected either by the lowering or the manipulation of the currency. And, lastly, reserves of securities of political importance in the hands of those negotiating the peace treaties.

The Defense will perhaps object that exchanges and purchases on free markets cannot be held against the defendants, because they are in the nature of contracts, and there were agreements, and because equivalents existed. But the facts presented to the Tribunal render it possible to declare that these operations have merely an appearance of regularity, if we remember the conditions under which the contracts were drawn up, that the operations were made under duress, or if we consider the rights over the equivalents supplied, equivalents of exchange represented by stolen objects or works of art, by sales paid for in national currencies coming from contributions of a more or less regular nature, and especially by occupational indemnities or clearing operations.

Most of these particulars, from the point of view of the general principles of criminal law, are doubly tainted: On the one hand they were paid in stolen currency, since the work of art forming the object of the sale could never legitimately have become the heritage of the purchaser. On the other hand, fraud and deceit tainted a considerable share of the negotiations, as proved by numerous statements, such as the extract from the minutes of M. Rochlitz's statement of 8 January 1946, which I have just read to the Tribunal under Document Number RF-1317 and which the Tribunal will allow me to recall to its notice by a brief reading of a few more passages. Rochlitz, picture dealer in Paris, states:

> "Lohse came to see me in February 1941. He told me that he was looking for pictures for different highly placed persons, chiefly for Göring. I showed to him a painting by Wennix of which I was the owner and a "Portrait of a Man," by Titian, of which two-thirds belonged to Birchentski and one-third to me. Lohse bought them. Then 8 or 10 days later he offered me some paintings in exchange, instead of money. Incidentally he considered that I had sold the paintings at too high a price. The price was about 2,000,000. He added that Göring had seen the paintings, that he did not want to pay for them at the price agreed, but that he had given an order to exchange them for modern paintings brought from Germany. He showed me a certain number of paintings and offered me 11 of them in exchange for the 2 paintings. He prevented me from looking at the backs of the paintings."

Further on, the same witness states:

> "I thought at that time that the paintings came from Germany. I found out shortly after that these paintings and those subsequently exchanged with Lohse were paintings confiscated from Jews. When I saw that these had been confiscated I protested and Lohse answered, 'I am acting under Göring's orders, you have nothing to fear. These confiscations have been anticipated by the Armistice Convention and the exchanges are regular.' As I still protested, he called me an enemy of the people."

Never—and this is the last remark I shall make on the subject—has history furnished an example of wholesale pillaging organized on so completely an administrative basis. The pillaging, together with the Einsatzstab, became a recognized institution in the sphere of culture, just as it became a recognized institution in the "Economic Detachments" of the ROGES, whose activities have been exposed before the Tribunal.

The pillaging of works of art was organized by the highest leaders of the Reich. My colleague of the Prosecution, who has been entrusted with the individual accusations, will return to this matter. I shall content myself with submitting a few more documents and making a few more quotations on this point.

Alfred Rosenberg was the responsible Chief of the Einsatzstab. The orders emanated from him, as is shown in the course of the interrogatory; he was heard by Colonel Hinkel, and I submit a copy of the interrogatory of 28 September 1945 as Document Number RF-1332.

The Defendant Göring was the official protector of Staff Rosenberg. He himself wrote to Rosenberg on 21 November 1940, Document Number 1651-PS, a copy of which I submit as Exhibit Number RF-1335, as follows:

> "I have promised to support energetically the work of your staff and to make available to them what they could not obtain so far, namely, means of transport and guard personnel. The air force has received the order to render utmost assistance."

There was discovered, in France, a sheet of gilt-edged paper containing, in an unknown writing, instructions issued by Göring in Paris—a date is written in by an unknown handwriting—on 11 February 1941. I submit the original document to the Tribunal, as well as the translation, as Document Number RF-1333:

> "All paintings marked 'H' are for the Führer."

THE PRESIDENT: I think this has been read already by the United States. Has this been read already?

M. GERTHOFFER: It has never as yet been read, Mr. President.

THE PRESIDENT: Then please proceed.

M. GERTHOFFER: "... one case marked 'AH' for me. Everything that is marked 'G'..."

THE PRESIDENT: Is this identified as a captured document?

M. GERTHOFFER: It was seized by the French authorities who transmitted it to us.

THE PRESIDENT: Where is the identification to show this is the document captured by the French authorities?

M. GERTHOFFER: This document was transmitted to me as it is, with a series of other documents, of which I have only produced a certain number. If the Tribunal wish I can let them have a special authentication for this document.

THE PRESIDENT: Well, I suppose there is probably a report of the French authorities which sufficiently refers to this document.

M. GERTHOFFER: The document was sent to me with a series of other documents; since they were extremely numerous, we took those that seemed to be the most important in order to present them to the Tribunal, but if the Tribunal wish, I can obtain an affidavit indicating under what conditions the documents were discovered by the French authorities.

THE PRESIDENT: You see, the document hasn't anything on it to indicate that the French Government really found it, nor that they have ever seen it; and therefore the Tribunal does not consider that it is properly proved by mere introductions of the document, without anything on the document. Perhaps you can furnish some supplementary proof.

M. GERTHOFFER: I can bring an affidavit to the Tribunal in order to have it authenticated.

THE PRESIDENT: In what way have the other documents been certified?

M. GERTHOFFER: The other documents were certified as a whole in the covering letter. They were not certified individually. This formality can be carried out subsequently.

THE PRESIDENT: Well, I think we must wait until this is properly identified.

M. GERTHOFFER: I continue with the reading of my report and I would point out to the Tribunal that in all the occupied countries the Defendant Göring employed a whole group of buyers, the best known of whom were Dr. Lohse, who was a member of the Einsatzstab, and Hofer. Hofer and Lohse (Page 52) acted for the defendant most often, however, under their own names. The personal collection of the Defendant Göring flourished considerably. In this regard I submit a document under Number RF-1332 to which my colleague, in charge of personal and individual accusations, will soon refer.

Among the principal leaders of the Reich connected with the Einsatzstab (Page 55) Rosenberg had, as his superior in the hierarchy, Ribbentrop in his capacity as Minister for Foreign Affairs (Page 56). It was Von Ribbentrop who was responsible for the Führer's order of 30 June 1940, which I presented a short time ago under Document Number RF-1301, and which I read to the Tribunal.

Ribbentrop's activities are likewise shown in a letter of 1 July 1940, addressed by Ambassador Abetz to the Military Commander of Paris, a copy of which I submit under Document RF-1334 (Page 56). I can read it to the Tribunal, if they wish. It shows Ribbentrop's activities. Here is the letter:

"I beg you to be good enough to have transmitted by radio..."

THE PRESIDENT: What does this "COL" at the top of the document mean?

M. GERTHOFFER: It is the seal of the office which seized the letter.

THE PRESIDENT: Does the French Government in any way certify this document? You see, we do not know what that stamp on it may mean.

M. GERTHOFFER: This document was supplied by the General Agency of Studies and Research. It is one of the supplementary services which affixed this seal and registered it under Number 9724.

THE PRESIDENT: Yes, I see what that is; but it does not of itself show that it is a French document, does it? Is there any French Government report, anything which could be considered to be, within the meaning of the article of the Charter, an official government document or report or an act or a document set up by the government itself? Unless it comes within Article 21, we are not at liberty to consider it as in evidence; unless there is an affidavit which deals with it.

M. GERTHOFFER: I do not insist on the presentation of this document since the activities of Ribbentrop as Minister for Foreign Affairs proceed from other PS documents which have never been disputed. It is a superfluous piece of evidence. I therefore do not insist on presenting it. It was merely a further piece of evidence, that is all.

THE PRESIDENT: If you find that there is some government report which identifies it, anything which proves that that stamp on it shows that it is a government document within Article 21, then of course, you may renew your application.

M. GERTHOFFER: I think that it is not necessary, Mr. President. There are sufficient other documents. I do not insist. The activities of the Defendant Keitel are also to be borne in mind.

THE PRESIDENT: One moment! You are passing over that document then. Very well.

M. GERTHOFFER: Exhibit Number RF-1336 is composed of a series of orders, of reports of the army and of the Einsatzstab. It was Document Number 1015-PS(k), submitted by the Prosecutor of the United States as Exhibit Number USA-385.

> "The directives concerning the co-operation with the Armed Forces will be issued by the Chief of the High Command of the Armed Forces in agreement with Reichsleiter Rosenberg."

I shall not insist on the responsibility of the Defendant Keitel. My colleague, who is charged with the individual indictments, will lay special stress on the development of this point, and to expedite the proceedings I shall merely mention the following: The Defendant Seyss-Inquart bears a grave responsibility for the pillaging in Holland of works of art and books.

I thus come to the conclusion of my presentation (Page 64). Whatever the markets, whoever the purchasers where the traffic in works of art is concerned, the motive is the same and the methods are the same. It is difficult to conceive that identical acts of pillaging, committed simultaneously in all the occupied countries of western Europe, were not the result of one single will, a ruthless will to dominate in every sphere, which expressed itself in a desire to invest the most irregular acquisitions with an appearance of legality. This is proved by the numerous declarations of the defendants, such as have been submitted to the Tribunal. A will to dominate the cultural sphere was expressed by the intention to extend the "action" of confiscation to ever fresh fields. A will to despoil the occupied countries manifested itself right up to the very last hours of the occupation. And this will be my last reading to the Tribunal, Document Number 160-PS, entered in the document book under Exhibit Number RF-1346. Here is the text. It is extremely brief:

> "14 August 1944 - Mission.
>
> "The Chiefs of Special Missions (Haupteinsatzführer), Dr. Lohse and Dr. Borchers, of my Einsatzstab for the occupied territories, are charged with the immediate removal, from the Jeu de Paume Museum and the Louvre depot, of works of art taken into safe custody by order of the Führer and still stored in Paris, by all means of transport still available.
>
> "The Reich Marshal of the Greater German Reich has recently, by a personal directive of 13 August 1944, placed the two above-named persons at the disposal of the Einsatzstab until the completion of this operation. It is requested that every possible assistance be rendered to these Chiefs of Special Missions."

Whatever the reasons of a juridical nature submitted by the Germans to justify the seizures of Jewish property (Page 65), this property has never lost the character of private property; and it has, for this reason, always remained guaranteed by the clauses of the Hague Convention and especially by Article 46. The seizure of this property cannot, in particular, be explained as a measure of protection rendered necessary by circumstances, since, for France at least, the French Administration of Domains was in a position to take all the measures desired. As for the fate reserved for the seizures by the National Socialist leaders, the documents produced have sufficiently shown their intentions and their plans.

The Defense will undoubtedly object that important treasures of national works of art from the occupied territories were not taken to Germany. If such an argument were presented, I should answer:

1. For various reasons the occupying authorities did not have the possibility to do so since they barely had time to centralize, to catalog, and to transport the numerous objects of art of which the occupied countries had been dispossessed. 2. It is obvious that the occupational authorities seized by priority the private works of art which are, generally speaking, easily negotiable even in neutral countries, whereas national works of art are, in a certain sense,

outside the commercial sphere and are in any case difficult to negotiate in foreign countries.

It may perhaps be claimed that, a great number of works of art having been recovered, the accusation of removing them no longer applies.

You will consider, Gentlemen, that if many works of art have been recovered by the Allied armies, usually in hiding places, the reprehensible fact held against the defendants nevertheless remains. As a matter of fact these works of art have been recovered against their will and thanks to the victory of the Allied armies. The crime had, therefore, been entirely consummated at the time of their discovery. It is clear from the declaration that it is chiefly works of art belonging to private individuals of Belgian, Dutch, and French nationality, mostly qualified as Jews by the occupying power, which were looted—looted with the obvious intention of gratifying their personal vanity and of obtaining valuable property, viewed from an economic standpoint, contrary to the principles of international law.

These acts of pillage were often accompanied by aggravating circumstances, not the least of which was the constant menace of violence threatening the population of the occupied countries. The looting of works of art, therefore, appears as a form of general economic pillaging and the defendants must answer for this before your high jurisdiction.

THE PRESIDENT: Could you tell me what Document FA-20, 21, and so forth, refers to? There is an inscription which is on these various documents. If you look at Document RF-1333 or RF-1334, you will see that on the copies that are before us there is an inscription "International Military Tribunal" and then the "French Delegation, the Public Ministry, Economic Section" and then "LVR, Document FA-21" and "Document FA-20." Now, where is Document FA-21, and where is Document FA-20?

M. GERTHOFFER: It is a serial number referring to the document sent to us. It is 1334 which was rejected by the Tribunal.

THE PRESIDENT: Yes, but what is Document FA-20 or Document FA-21, what does it mean?

M. GERTHOFFER: FA-20 is the serial number which had been given to this document in the series of documents which we received. It is of no importance.

THE PRESIDENT: You mean that it is only a number given by you or that it is a number given by the Economic Section of the...?

M. GERTHOFFER: It is a number given to it by the Economic Section.

THE PRESIDENT: Well, then if that is so, if it is the number given to this document by the Economic Section, it does identify the document as a document of a public nature.

M. GERTHOFFER: We had likewise given to the document which I quoted a short time ago, a number which was 1333 for Document FA-21.

THE PRESIDENT: Document FA-21, 1333.

M. GERTHOFFER: We likewise gave it a number.

THE PRESIDENT: I see, the Economic Section is merely a section of the French Prosecution.

M. GERTHOFFER: Yes, it is a section of the French Prosecution.

THE PRESIDENT: M. Mounier.

M. PIERRE MOUNIER (Assistant Prosecutor for the French Republic): Mr. President, your Honors, Gentlemen of the High International Military Tribunal, we have the honor of appearing before your high jurisdiction in order to submit the conclusions of the French Prosecution in connection with the responsibilities individually incurred by the defendants brought before this bar of justice. In pursuance of the allotment of the various tasks incumbent on each of the four nations, resulting both from the Indictment presented in compliance with the Charter of 8 August 1945 and the agreements reached between the four Delegations, the French Prosecution, in its presentation, has particularly applied itself to the study of the war crimes under the third Count of the Indictment, that is, the crimes committed by the defendants in France and in the countries of western Europe during hostilities and during the German occupation. It arises quite naturally that, in the explanations about to follow, the case of some of the defendants will be set aside, although their responsibility will already have been established by the other delegations who are, if I may say so, more interested in the crimes committed by the defendants and which correspond to the first, second, and fourth Counts of the Indictment. The French Prosecution, nevertheless, intends to join in the accusations raised by the other delegations against such of the defendants as concern them directly, especially against the Defendants Von Neurath and Von Ribbentrop. The French Delegation associates itself with the statement presented against them by Sir David Maxwell-Fyfe. The same holds good as far as the Defendants Hess, Kaltenbrunner, Frank, Bormann, Funk, Schacht, Von Papen, Baldur von Schirach, Streicher, Raeder, Dönitz, and Fritzsche are concerned.

On the other hand, Mr. President, your Honors, we should like, in this brief presentation, slightly to deviate from the order of priority in which the defendants appear, both in the Indictment and in the dock, so as to elucidate matters. As a matter of fact it would appear desirable, when presenting some of the chiefs of the National Socialist conspiracy, as viewed from the angle of crimes committed in the West, to show how they materialized their philosophical, political, economic, diplomatic, and finally their military conceptions. Consequently, this order will determine the order in which we shall present the case of these defendants.

On the other hand the defendants, in pursuance of the rule adopted by the Tribunal for governing the proceedings which it intends to follow in this Trial, have not yet given their oral explanations before the Court; and the hearing of the majority of the witnesses, or at least of the more important witnesses, has not yet taken place.

That is why the French Prosecution, with the permission of the Tribunal, reserves the right of completing at a later date its statement regarding the defendants taken individually on the one hand, and the groups accused—according to the expression used by my eminent friend, Prosecutor Boissarie—of "international indignity," on the other hand.

Needless to say, the final impeachment would be carried out with the utmost sobriety, since the French Delegation is anxious to avoid, as far as possible, any unnecessary prolongation of the proceedings.

An imposing number of documents has been submitted to the Tribunal. Their reading, presented in the first instance for the information of the Tribunal, then for the information of the Defense, and finally, be it said, for that of universal public opinion, has already taken up a very considerable time. That is why, with the permission of the Tribunal, we shall abstain, as far as possible, from presenting the Tribunal with still more copious documents. Sufficient written evidence has already been furnished by the American, British, and French Prosecutions which, when added to those still to be submitted by the Prosecution of the Union of Soviet Socialist Republics, will assure the Tribunal of the defendants' guilt.

We shall therefore content ourselves, in general, with quoting documents already produced, in order to correlate the facts which we shall bring forward with the evidence already supplied. I should like, however, Mr. President, before approaching the case of the defendants whom I wish to accuse individually, to make a statement of a very general nature. It would be idle to pretend that a certain part of this public opinion—and not the least enlightened part at that—in the Old as well as in the New World, has evinced surprise in seeing this Indictment, which is the foundation of the present proceedings, collectively denounce the criminal character of certain organizations of the Reichsregierung, the Leadership Corps of the National Socialist Party, the SS including the SD, the Gestapo, the SA, the General Staff, and the High Command.

In this connection the Tribunal has been good enough to invite the various prosecutions to present written memoranda in order to establish the validity of the imputations contained in the Indictment. But may I be allowed, before a more complete memorandum is handed to your high jurisdiction, to present to the Tribunal a few ideas which appear to me necessary to be recalled. It appears, as a matter of fact, that this concept of a collective responsibility of the various groups goes hand in hand with the concept of conspiracy constituting the other governing ideas of the Indictment. There is no doubt, as far as this idea of a conspiracy is concerned as featured in the Indictment, that one finds, in the first instance, in the acts of the defendants that mystery which generally accompanies any conspiracy, whatever its nature, and that the various documents already supplied to the Tribunal are sufficient to confirm the existence of all the elements which render it possible for me to state that the defendants, their co-authors, and their accomplices had, in fact, conceived and realized the fraudulent agreement which was to enable them to make an attempt on the peace of the world by means contrary to the laws of war, to international law, and to international morality.

There is no doubt that the Nazi leaders had invested all their meetings with a guise of secrecy, whether these meetings were regular and administrative in nature or whether they were of a casual or of an informal variety. This fact in itself would be normal if one could isolate it from all the others; but added to all the other elements in the case, it clearly shows the guilty intent of the conspirators, for this absolute secrecy alone could imply the use of the criminal means which we shall have to emphasize.

I shall moreover remind the Tribunal that very often, where the orders transmitted were concerned, very often it happened that certain paragraphs had been erased so that no traces could remain. The Defendant Hermann Göring admitted this in the course of the interrogations. Consequently this fact proves the intent not only to act in the greatest secrecy, but also the intent of doing away with every trace of what had happened.

If I were permitted to transpose an expression used during the War of 1914-18, an expression applied to the sinking of certain ships of friendly or allied nations, I should say, where this particular paragraph is concerned, that it was a case of "spurlos versenkt," that is, sunk without trace.

On the other hand, the proof of this fraudulent agreement is evident from the eminently and evidently criminal nature of the decisions taken in these secret councils for incorporation.

THE PRESIDENT: It is just one, now, would it be convenient for Counsel to break off at this time?

M. MOUNIER: I am at the disposal of the Court.

THE PRESIDENT: Very well.

[A recess was taken until 1400 hours.]

Afternoon Session

THE PRESIDENT: M. Mounier, owing to technical difficulties we will not be able to continue the sitting this afternoon because the technical difficulties, we are advised, cannot be remedied for some hours; and under those circumstances, the Tribunal thinks it better to adjourn now. But the Tribunal hopes that you will be able tomorrow to conclude the case on behalf of the French Prosecution, and that the case against the Defendant Hess will be presented on behalf of the British Prosecution.

M. MOUNIER: I understand, Mr. President, and I shall get in touch with my British colleague as requested by the Tribunal.

THE PRESIDENT: Sir David Maxwell-Fyfe, do you wish to say anything?

SIR DAVID MAXWELL-FYFE (Deputy Chief Prosecutor for the United Kingdom): No, My Lord, we are ready to go on with the presentation against the Defendant Hess, and we think that it should take two and a half hours, approximately.

[The Tribunal adjourned until 7 February 1946 at 1000 hours.]

FIFTY-THIRD DAY

Thursday, 7 February 1946

Morning Session

M. MOUNIER: Mr. President, Your Honors, before the adjournment yesterday I had begun to explain to you very briefly the relation which, in our opinion, exists between two of the main themes in the Indictment, to wit, the accusation of conspiracy brought against certain groups designated in the Indictment and which I enumerated yesterday, on the one hand; and, on the other hand, the various acts which enable us to form our conclusions as to the criminal character of the activity of the National Socialist conspirators.

I told you, to begin with, that what appeared to us to be at the bottom of this criminal activity was the profound mystery, the absolute mystery surrounding their meetings, both official and unofficial, a fact which is corroborated by statements made by certain of the defendants in their interrogatories from which it frequently emerged that some of the orders emanating from high places were to be suppressed and annulled, so as to leave no trace.

We consider, likewise, that proof of the fraudulent collaboration which existed among the conspirators is afforded by the criminal character of the decisions made at these secret councils, which aimed at the conquest of neighboring countries through wars of aggression.

Finally, proof of this fraudulent collaboration is afforded, in our opinion, by the way in which these criminal plans were carried out by the employment of all sorts of means condemned both by international morality and by the letter of the law; for example, in international and diplomatic spheres the most cynical plots, the use in foreign countries of what is known as the "Fifth Column," financial camouflage, the exertion of improper pressure backed by demonstrations of violence, and finally—when these methods no longer proved effective—the waging of a war of aggression.

As for those individuals who regularly and of their own free will took part in meetings of groups and organizations, such as those denounced in the Indictment as internationally odious, their voluntary membership in these groups or the active and deliberate part which they took in their activities suffice to show that they had every intention of giving their active co-operation to these groups in a way which admits of no possible doubt. In view of the aims pursued and the means adopted, this intention could only be a guilty one.

In the opinion of the Prosecution, engaged in seeking the elements constituting the crime, it would appear that this suffices to prove what we call the *consilium fraudis* and to enable us to verify the causal link between this will to evil, on the one hand, and the criminal deed, on the other, and to make it possible to retain the criminal character of the understanding between the conspirators, which is also the criminal character of their individual acts.

Could the chief of the Four Year Plan, when he ordered the Plenipotentiary for Labor Allocation to recruit 1 million foreign workers for the Reich, forget that this act was contrary to international conventions and leave out of consideration the tragic consequences which the execution of this murderous action would entail, and has in fact entailed, for these people and for their families?

Could the Minister for Armaments and War Production who set up, in agreement with or by order of the Chief of the Air Force, underground aircraft factories in the internment camps—could he, I say, fail to be aware that under such conditions to use prisoners who were already exhausted was equivalent to causing their premature death?

Could the diplomat who, on various pretexts, treated diplomatic instruments intended to assure the stability and the peace of the world as scraps of paper—could he lose sight of the fact that these acts would plunge the civilized world into catastrophe?

Whether their conscience was at that moment disturbed by the feeling, more or less obscure, that they were infringing human and divine laws is a question which need not be asked on the juridical plane on which you will be working. But even assuming that we should consider it our duty to put this question to ourselves on the psychological plane as a result of scruples, we should then have to remember two essential concepts. The first is that the German, as a French writer puts it, at times combines in himself the identity of contraries. Consequently, it is possible that in certain cases he may consciously do evil while remaining convinced that his act is irreproachable from the moral point of view. The second concept is that, according to the law of National Socialist ethics sometimes put into words by certain National Socialist leaders, that which promotes the interests of the Party is good; that which does not promote the interests is evil.

And yet, our personal impression on the occasion of the masterly speech given by M. François de Menthon was that some of his words, striking in their accent of deep humanity, had stirred some consciences. Even today, after so many accumulated proofs, we may wonder whether the defendants admit their responsibility as chiefs, as men, as representatives of the incriminated organizations. This will perhaps be revealed in the course of the proceedings.

Mr. President, Your Honors, with the permission of the Tribunal we shall now take up the question of the Defendant Alfred Rosenberg.

Gentlemen, the young French student who in 1910 had the joy of spending his vacation in Bavaria, then one of the happiest of the German provinces, could hardly suspect that thirty-five years later he would be called upon to apply international law against the masters of that country. When, after stopping at the Bratwurstglöcklein, he climbed up to the ramparts to look at the sunset from the heights of the Burg, while the lines of a ballad by Uhland rang in his memory, he did not think that evil masters and false prophets would twice in a quarter of a century unchain the lightning over Europe and the rest of the world, and that through them so many treasures of art and beauty would be destroyed, so many human lives sacrificed, so much suffering piled up. Indeed, when one studies the genesis of this unheard-of drama there can be no question of romanticism; what we have to deal with rather is a perverted romanticism, a morbid perversion of the sense of greatness, and the mind is baffled by the true significance of the ideas of National Socialism—ideas which I shall touch upon only in passing to show how they led the Defendant Rosenberg, since it is he of whom I am speaking, and his codefendants to commit the crimes which are held against them:

The concept of race, to begin with, which we see arising in a country which in other respects resembles any other but where the intermingling of ethnic types of every variety took place through the centuries on a gigantic scale; this anti-scientific confusion which mixes the physiological features of man with the concept of nations; this neo-paganism which aims at abolishing the moral code, the justice, and security which 20 centuries of Christianity have brought to the world; this myth of blood which attempts to justify racial discrimination and its consequences: slavery, massacre, looting, and the mutilation of living beings!

I shall not dwell, Mr. President, on what we consider a jumble of nonsense which claims to be philosophy and in which may be found to be the most heterogeneous fragments of all kinds taken from every source, from the megalomaniac concepts of Mussolini, Hindu legends, and the Japan of the samurai, the cradle of fascism, which swept over the world like a tidal wave. The previous presentations have already adequately dealt with these conceptions. I shall simply stress today that these pseudo-philosophic conceptions tended solely to set back humanity thousands of years by reviving the clan conception, which assumes the law of might as the supreme law—the Faustrecht already formulated by the Iron Chancellor, the right to cheat others, the right to take the property of others, the right to reduce man to slavery, the right to kill, the right to torture.

But *homo sapiens* refuses to return to the state of *homo lupus*. International law is not morality without obligation or sanction. The Charter of 8 August has recalled and specified the obligation; it is for you, Gentlemen, to apply the sanction.

One of the consequences of these theories of the superiority of the race or of the so-called "Germanic Race" was to lead certain of the conspirators, particularly the Defendant Rosenberg, of whom we are speaking, to become plunderers; and it is this aspect of the activities of the Defendant Rosenberg which I should like very briefly to stress, for it concerns France and the occupied countries of the West and had deeply harmful consequences for their artistic, intellectual, or merely utilitarian heritage.

I wish to speak of all the measures decreed or applied by Rosenberg with the aim of removing from France and the western countries cultural treasures, works of art, and property belonging to groups or individuals, and transferring to Germany all these riches.

Gentlemen, owing to the limited time which we have at our disposal, I shall limit myself today to recalling how certain organisms were made to collaborate in this pillaging through orders from higher quarters. I shall indicate, first of all, the part played by the Gestapo, which was ordained by a decree issued by the Defendant Keitel, dated 5 July 1940, which bears the Document Number 137-PS and which was submitted by the American Delegation, under Exhibit Number USA-379, on 18 December 1945 (Exhibit Number RF-1400). I refer likewise to a second order dated 30 October 1940, which reinforced and detailed the orders given in regard to pillaging by what was known as the Einsatzstab Rosenberg. This is Exhibit Number RF-1304 (Document Number 140-PS), which was quoted by the Economic Section of the French Prosecution.

Thus, Keitel and Rosenberg went back to the conception of a booty exacted by the triumphant German people from the Jewish people with regard to whom it was not bound by the conditions of the Compiègne Armistice. This intervention by the chief of the army, as indicated by the orders to which I have just referred, suffices in my opinion to prove the important part played by the German Army in this looting; and the Tribunal will not fail to remember that when it makes its decisions as to the guilt of the Defendant Keitel and the Defendant Göring.

If I mention the Defendant Göring, it is because a third document proves that this defendant gave the operation his full support, inviting all the organizations of the Party, the State, and the Army to afford the fullest possible support and assistance to Reichsleiter Rosenberg and his collaborator Utikal, whom Rosenberg himself had appointed Chief of the Einsatzstab on 1 April 1941. This is the order of 1 May 1941, which we produced under our Exhibit Number RF-1406 (Document Number 1614-PS). If we examine the text of this decree carefully we cannot fail to be struck by the first paragraph. The Tribunal will surely allow me to reread it rapidly:

> "The struggle against the Jews, the Freemasons, and other ideologically opposed forces allied to them, is a most urgent task of National Socialism during the war."

Thus, it was enough for one to have a philosophy of life different from that described as the Nazi Weltanschauung, to be exposed to the danger of seeing one's cultural property seized and transferred to Germany. But the Tribunal will surely remember from the documents already presented to it, that not only cultural property was involved, but that anything with any kind of value was taken away.

The Defendant Rosenberg tried, in the course of an interrogation carried out by the superior officers in charge of the preliminary investigations to claim, without much conviction, it seems to me, that the cultural property in question was intended solely to adorn the collections of the National Socialist Hohen Schulen. We shall see presently, in presenting the text of this interrogation, how we may judge this. But it is a fact which I wish to present now that, from the documents which we possess, at least, it does not seem that the Defendant Rosenberg appropriated works of art, precious stones, or other objects of value for himself. Consequently, in the light of the proceedings as conducted thus far, no accusation of this kind can be brought against him. We shall not say as much for the Defendant Hermann Göring, of whom we shall speak a little later and who, according to the documents that we possess, may be convicted of having appropriated to his own use part of the objects of art taken from the countries of the East and the West.

I shall not dwell on the discussion which might arise about these misappropriations. I shall go straight on to the interrogatory of the Defendant Rosenberg. This is the document that was introduced yesterday by the Economic Section of the French Prosecution, which bears the Exhibit Number RF-1331, and which we use today as Document Number ECH-25.

I think that the Tribunal will easily be able to refer to this interrogatory, but meanwhile I should like very briefly to summarize the essential points which I think should be brought up.

Colonel Hinkel, questioning the Defendant Rosenberg, asked him on what legal grounds such looting could be justified. The Defendant Rosenberg first answered that these seizures were justified by the hostility which certain groups had manifested toward the

National Socialist ideology. But a little further on, on Page 4, the Defendant Rosenberg made the following verbatim statement:

> "I considered them"—he is referring to the measures which he himself had taken—"a necessity caused by the war and by the reasons which caused the war."

A few moments later, pressed by Colonel Hinkel, the Defendant Rosenberg invoked the necessity of putting into safekeeping property thus seized, a necessity which will certainly constitute one of the main points of his defense. But Colonel Hinkel replied to the Defendant Rosenberg:

> "And so if your idea was to safeguard art objects, it sounds rather strange, doesn't it, that you were going to safeguard only some art objects and not others?
>
> "On the other hand, with regard to the maintenance of the objects, there were objects at least equal in value to those which had been removed, but to which no one paid any attention."

Finally, the Defendant Rosenberg admitted that he had very often given no receipt to those concerned, which in itself precluded any idea of eventually returning the property to the legitimate owners.

The truth of the matter is that these were treasures of very considerable value, and the Defendant Rosenberg in the end admitted that he regarded these acquisitions as an accomplished fact. We consider that the fact of having thus removed works of art and objects of value is purely and simply what is known in civil law as misappropriation. These misappropriations were made on a vast scale with the grandiose means which the Third Reich had at its disposal, means which were further facilitated by the intervention of the Army and the Luftwaffe. But it is nonetheless true that the criminal character of these misappropriations remains; and we urge the Tribunal, when it delivers judgment, to declare that it was by fraudulent seizure that the Defendant Rosenberg and his codefendants robbed France and the western countries of all the objects of value and all the art treasures and cultural treasures.

As to what the objects themselves consisted of, Mr. President and Your Honors, I would respectfully refer the Tribunal to the report submitted by the Economic Section yesterday, which was made by Dr. Scholz, the associate of the Einsatzstab Rosenberg. This report was submitted by the Economic Section under Exhibit Number RF-1323 (Document Number 1015-PS), and in it the Tribunal will find enumerated everything that the Einsatzstab took out of France. In this connection I shall make an incidental remark in answer to the question that the President asked my colleague yesterday about the Rothschild collections. The President asked my colleague, "Have you proof that certain collections and objects of value were taken from the Rothschild collections?"

I should like, Mr. President, to point out that there are two proofs of this. The first is the immediate result of the Rosenberg interrogation of 23 September 1945. I have just spoken to the Tribunal of the all-important questions put to the Defendant Rosenberg as to the legitimacy and legal basis of these removals. I beg the Tribunal to refer to Page 5 of these minutes. I read from the text the question asked by the American officer in charge of the interrogation, my eminent friend, Colonel Hinkel:

> "Question: 'How do you justify the confiscation of art treasures belonging to the Rothschild family?' "—A very precise question. It concerned the art treasures taken from the Rothschild family by Rosenberg's organization.
>
> "Answer: 'Still from the same general point of view' "

That means that the Defendant Rosenberg claimed to justify the confiscations made to the detriment of the Rothschilds by the reasons which I had the honor of analyzing to the Tribunal a few moments ago.

A second consequence: The Defendant Rosenberg thus admitted with his own lips that the Rothschild family was among those despoiled. That confession, Mr. President, Your Honors, can be considered as one of the proofs, one of the main proofs. This is the first answer, then, to the question that the President asked yesterday.

The second proof which I wish to present to the Tribunal is the following: I beg the Tribunal to refer to the report by Dr. Scholz mentioned above and produced yesterday in the document book of the Economic Section. This is Exhibit Number RF-1323 (Document Number 1015-PS).

If the Tribunal will kindly refer to it, that is to say, the report by Dr. Scholz, the second paragraph of Page 1, it will find the following statement, "The special staff not only seized a very considerable part of the collection..."

THE PRESIDENT: *[Interposing.]* As I said the other day, we cannot keep all the books before us; but it seems to me that, as you have shown that the Defendant Rosenberg agreed that this collection had been taken, that is quite sufficient.

M. MOUNIER: Mr. President, I understand perfectly your point of view. I should like respectfully to point out to you that I was to speak immediately after my colleague, and if I had done so you would have had this document book before you. We had a delay of one day, and I apologize for not having thought of asking you to bring this document again this morning.

However, I respectfully ask the Tribunal to be good enough to note this reference which it will easily find. It is a very short passage, which I should like to read to the Tribunal. It will not take very much time.

THE PRESIDENT: Certainly.

M. MOUNIER: This declaration is simply the following:

> "The special staff"—that is to say, the Einsatzstab Rosenberg—"not only seized a very considerable portion of the collection which the Rothschilds had left behind in their Paris mansion..."

I shall not read the rest.

Here then, Gentlemen, is an official report which cannot be disputed and which demonstrates, like the previous proof, that the Rothschild collection was among those pillaged.

I do not insist on these facts, which are known to you. It seems to me that the two points on which I have just cast a ray of light suffice to make it clear that illegal seizures—fraudulent seizures—were really operated by the Defendant Rosenberg to the detriment of France and to the detriment, likewise, of the western countries. As for their importance, I do not want to abuse the patience of the Tribunal by quoting statistics. I respectfully ask the Tribunal to refer to the Scholz report which I have twice mentioned in the course of my previous statements.

I should not, however, wish to leave the case of Rosenberg, for the time being, without quoting to the Tribunal a passage from an article by the French writer François Mauriac, of the French Academy. François Mauriac was present on 7 November 1945 at the inaugural session of the National Constituent Assembly at the Palais Bourbon. On this occasion François Mauriac invoked a memory which was recalled in *Le Figaro* of 6 November 1945 in the following terms:

> "Almost five years ago to a day, from the height of this rostrum, the most illustrious in Europe, a man spoke to other men dressed in field grey. His name was Alfred Rosenberg. I can testify to the exact date. It was 25 November 1940.
>
> "Rosenberg leaned his elbows on this rostrum, where the voices of Jaurès and of Albert De Mun were once heard and where, on 11 November 1918, Clemenceau nearly died of joy. Here are his words:
>
> " 'In one gigantic revolutionary burst'—he said—'the German nation has reaped such a harvest as never before in its history. The French will admit one day, if they are honest, that Germany has freed them from the parasites of which they could not rid themselves unaided.'

"And the Nazi philosopher"—continues Mauriac—"then proclaimed the victory of blood. He meant"—writes Mauriac—"the victory of race; but it happens that a man may utter prophetic words unwittingly and without realizing the full import of the words which God places upon his lips. As Rosenberg predicted at the Palais Bourbon on 25 November 1940, it was indeed blood that won the victory. It was the blood of the martyrs which in the end choked the executioners."

M. President, with the approval of the Court, and with the same brevity as heretofore—and I hope the Tribunal will appreciate the care I am taking not to abuse its patience—I should like to say a few words on the individual charge against the Defendant Fritz Sauckel.

Your Honors, the Tribunal is already acquainted with the really remarkable work, the genuinely positive work, presented to it some time ago by my colleague and friend, M. Jacques Bernard Herzog. This is why, with your permission, I shall pass over the facts themselves, which are known to you, and limit myself to the part beginning on Page 3 of my brief; and we shall examine together, if it please the Tribunal, the grounds for the pleas advanced up to now by the Defendant Fritz Sauckel.

One question must be asked first of all: Was Fritz Sauckel acting under orders when he carried out this recruiting—so-called voluntary in part but compulsory in most cases—this recruiting of laborers destined to supply the needs of the German Reich?

According to Sauckel, when he was appointed Plenipotentiary for the Allocation of Labor on 27 March 1942, his initial program did not include the conscription of foreign workers; and it is supposed to have been Hitler who intervened then. For it is striking, Your Honors, when you read the minutes of the interrogations and also, I am sure, when the defendants speak before the Tribunal, you will see that most of them take refuge behind two great shadows; the shadow of the former Führer and the shadow of his accursed second, Himmler. Here we can see Hitler intervening to tell Sauckel, according to the latter, that the use of foreign workers in the occupied territories is not contrary to the Hague Convention for two reasons; firstly, the countries involved surrendered unconditionally and consequently we can impose any kind of labor conditions on them, and secondly because Russia has not signed this convention. If, therefore, we use Russian workers on compulsory labor and make them work to death, we are not violating the Hague Convention.

This, Your Honors, is the reasoning of the Defendant Sauckel on this point, without the addition of a single word. Hitler is supposed to have ordered him to recruit workers, at first using persuasion and then all the means of compulsion which you already know; suppression of ration cards, for instance, which compelled men, who saw their wives and children starving, to volunteer for work which would be used against their own fellow citizens and against the soldiers of the Allied armies with whom all their sympathies lay.

The Tribunal will know how to deal with such an excuse for, in the first place, Sauckel, by virtue of the powers conferred upon him by his office, enjoyed full authority in regard to everything to do with the labor necessary for the execution of the Four Year Plan. On the other hand, on taking up his appointment as Plenipotentiary for Labor Allocation, Sauckel knew that he would be unable to carry out his mission without resorting sooner or later to means of coercion. In any case, Sauckel, as well as most of the defendants who are before you, enjoyed the most extensive powers, indeed autonomous powers. Consequently, he cannot shelter behind orders received.

THE PRESIDENT: M. Mounier, you must forgive me if I interrupt you; but as I pointed out yesterday, I think, we have already had an opening statement which contained argument from the United States, from Great Britain, and from M. De Menthon on behalf of France, and we have, in the past, confined other counsel...

. Do you hear me? I was saying that after having heard the opening statement from the United States, from Great Britain, and from France, we have in the past, confined the counsel who have followed them to a presentation of evidence and have not permitted them to go into an argument.

I am not sure that that rule has been strictly carried out in all cases because it is, perhaps, somewhat difficult to confine the matter; but we have, on several occasions, pointed out to counsel who have followed the counsel who made the leading statement that they ought to confine themselves to a presentation of the evidence. I think the Tribunal would wish you, if possible, to adhere to that rule and, therefore, not to argue the case but to present the evidence, that is to say, to refer us to the evidence insofar as it has already been put in evidence; to refer us to it by its number, possibly stating what the substance of the evidence is; and, in reference to any document which has not yet been put in evidence, to read such parts of that document as you think necessary.

M. MOUNIER: Very well, Mr. President, to meet the wishes of the Tribunal, I shall limit myself, as concerns the Defendant Sauckel, to referring to figures which, it seems to me, do not admit of argument, since they are the figures given by the Defendant Sauckel himself under interrogation. This does not seem to me to infringe upon the rule which the President has just drawn to my attention.

The figures stated are the following: In 1942 there were already a million foreign workers in Germany. In one year Sauckel incorporated into the economy of the Reich some 1,600,000 war prisoners to meet the needs of war economy.

I beg to refer the Tribunal to Exhibit Number RF-1411 in my document book. This is an interrogation of the Defendant Speer under the date of 18 October 1945, which has already been submitted by the United States Prosecution on 12 December 1945, under Exhibit Number USA-220 (Document Number 3720-PS). In this interrogation the Defendant Speer states that 40 percent of all prisoners of war were employed in the production of arms and munitions and in related industries.

I likewise offer under Exhibit Number RF-1412 (Document Number 1292-PS) of 13 December 1945, a memorandum signed by Lammers, Secretary of the Reich Chancellery, giving an account of the discussion which occurred at a conference held on 4 January 1944. On that date, 4 January 1944, in the course of a conference, at which, in addition to the Defendant Sauckel, the Führer himself, Himmler, Speer, Keitel, Field Marshal Milch, and others were present, the number of new workers to be furnished by Sauckel was fixed at four million.

I must mention in this connection that in the course of this meeting, Sauckel expressed doubts as to the possibility of furnishing this number of workers unless he were given sufficient police forces. Himmler replied that he would try to help Sauckel to achieve this objective by means of increased pressure.

Consequently, when the Defendant Sauckel claims, as he probably will do, that he had absolutely nothing to do with the institution now spurned by everyone, known as the Gestapo, we may answer him by official German documents showing that for the recruitment of labor he really did employ the police with all the more or less condemned means already pointed out to you.

As for France alone, the demand for workers at the beginning of 1944 amounted to one million; and this figure was over and above the number of men and women workers already sent to Germany, who in June 1944 numbered one million to one and a half million.

The Defendant Sauckel, therefore, committed the offenses already known to the Court. We have an old adage, an old slogan we may say, according to which "The court is the law"; and it is proper to present only the facts. I shall, therefore, abstain from reading the passage on Page 9 of my presentation dealing with those articles of the law under which the activities of the accused, Sauckel, are punishable.

Mr. President, Your Honors, I should like now to summarize the activity of the Defendant Speer, for as regards France and the western countries the Defendant Speer incurs responsibilities of the same nature as those of the Defendant Sauckel. Like the defendant of whom I have just spoken, he permitted violations of the laws of war, violations of the laws of humanity, in working towards the drafting and carrying out of a vast program of forced deportation and enslavement of the occupied countries.

Speer, Mr. President, first took part in working out the program of forced labor and collaborated in its adoption. In the course of his interrogatory, he stated under oath: First, that he took part in the discussion at which the decision to use forced labor was made; second, that he collaborated in the execution of this plan; third, that the basis of this program was the removal to Germany by force of foreign workers on the authority of Sauckel, Plenipotentiary for Allocation of Labor under the Four Year Plan. The Tribunal will kindly refer to Document Number 3720-PS, submitted by the United States Delegation on 12 December 1945, which I quote under Exhibit Number RF-1411 of our documentation.

As regards France, in particular, Hitler and the Defendant Speer held a conference on 4 January 1943 in the course of which it was decided that more severe measures would be taken to expedite the recruiting of French civilian workers without discrimination between skilled and unskilled workers. This is made clear by a note to which I would ask the Tribunal to refer. That is a note signed by Fritz Sauckel, himself. It has already been presented by the American Prosecution under Document Number 556-PS (Exhibit Number RF-67).

The Defendant Speer knew that the levies for forced labor in the occupied territories were obtained by violence and terror. He approved the continuation of these methods from September 1942 onward. He knew, for instance, that workers were deported by force from the Ukraine to work in the Reich. He knew, likewise, that the great majority of workers in the occupied regions of the West were sent to Germany against their will. He even declared before the American magistrate who was questioning him that he considered these methods regular and legal.

The Defendant Speer, knowing that the foreign workers were recruited and deported for forced labor in Germany, made specific demands for foreign workers and provided for their employment in the various branches of activity placed under his direction.

The preceding paragraphs summarize all the declarations made by the defendant in the course of the interrogation already mentioned and to which I have just referred.

I beg to remind you that Speer, in addition, was a member of the Central Committee of the Four Year Plan. On account of this, and in common with Field Marshal Milch, only Hitler and Göring were superior to him as far as demands for labor were concerned. He likewise took part, in this capacity, in discussions which took place with Hitler to settle the numbers of foreign workers required. He knew that most of these forces were obtained by means of deportation, through coercion and enslavement of the occupied countries. Proof of this is furnished by various passages of the minutes of the Central Committee of the Plan and from Speer's conferences with Hitler. I refer to Document Numbers R-123 and R-124 which have been submitted under Exhibit Number USA-179, on 12 December 1945 (Exhibit Number RF-1414).

Speer did not hesitate to resort to methods of terrorism and brutality as a means of achieving a peak output from the forced workers. He found justification for the action of the SS and of the police and for the use of concentration camps to subdue recalcitrants.

I beg to recall to the Tribunal the document relating to the minutes of the 21st meeting of the Central Committee of the Four Year Plan, 30 October 1942, Page 1059, already quoted. This is the document which I quoted previously, Exhibit Number USA-179, Document Numbers R-123 and R-124 on 12 December 1945 (Exhibit Number RF-1414).

The Defendant Speer likewise bears responsibility for the use of prisoners of war in military operations directed against their countries; for in his capacity as chief of the Todt Organization, he forced citizens of the Allied nations to work for this organization, particularly, in the building of fortifications and, among other things, the famous West Wall. He likewise forced Frenchmen, Belgians, Luxembourgers, Dutchmen, Norwegians, and Danes to manufacture arms to be utilized against the allies of the countries to which they themselves belonged.

Finally—and this is a very important question regarding the responsibility of the Defendant Speer—he participated directly in the use of internees from the concentration camps. He proposed the use of internees from the concentration camps in the armament factories. Now, in view of the wretched physical condition of the prisoners, no profit but only the extermination of the prisoners could be expected from this measure. The use of internees from the concentration camps in the factories had the effect of increasing the demand for this type of labor; and this demand was satisfied in part, at least, by sending to the concentration camps persons who, in ordinary times, would never have been sent there.

Speer went so far as to establish, near the factories, concentration camps which served solely to feed them with labor.

He knew the Mauthausen Camp. The Spanish witness, Boix, whom the Tribunal heard a few days ago, attested under oath that he had seen, with his own eyes, the Defendant Speer visit the camp at Mauthausen and congratulate the directors of this camp. He even declared that he had worked on the preparation of photographs of this scene. Consequently this visit to the camp must be considered, absolutely beyond doubt. He therefore saw for himself the barbarous conditions in which the prisoners lived. Nevertheless, he persisted in utilizing labor from the Camp of Mauthausen in the factories under his authority.

I have concluded the case against Speer.

THE PRESIDENT: We will adjourn now for 10 minutes.

[A recess was taken.]

M. MOUNIER: Mr. President, Your Honors, considering the strictly limited time at my disposal, I shall be compelled, in dealing with the Defendant Göring, of whom I shall have the honor to speak to you, to skip Pages 1, 2, and 3 of this presentation. I ask the Court now to turn to Page 3 of my statement.

I should like to present to the Tribunal the question of the responsibility of the Defendant Göring for the measures taken against the commandos and against Allied airmen who fell into the hands of the Germans during their missions.

During the Trial we have on several occasions mentioned an order given by Hitler on 18 October 1942, which was first submitted by the American Delegation on 2 January 1946 under the Document Number 498-PS (Exhibit Number RF-1417). It is an order detailing the measures to be taken against commandos in operations in Europe and Africa. They were to be exterminated to the last man, even if they were in military uniform, and no matter what their mode of transport might be: boat, plane, or parachute. An order was given to take no prisoners. In the occupied territories isolated members of commandos who might fall into the hands of the German forces were to be handed over immediately to the Sicherheitsdienst, RSHA branch. This order did not apply to enemy soldiers who were captured or who surrendered in open battle and within the scope of combat operations.

Among those notified was the Oberkommando of the Luftwaffe. Consequently, the Defendant Göring knew of this order; and in his capacity as Commander-in-Chief of the Air Force, as well as in his capacity as Commander-in-Chief of one of the three military services, he has joint responsibility with the leaders of the other services.

We know, also, that on the same date, 18 October 1942, Hitler had a memorandum distributed annotating the previous instructions and announcing that if one or two prisoners were spared for the time being, so that information might be obtained from them, they were to be put to death as soon as they had been interrogated.

I refer to Exhibit Number RF-1418 (Document Number 503-PS) of 9 January 1946. The American Prosecution which produced this document has also submitted to the Tribunal—and I shall not come back to this fact—a certain number of cases proving that this order was frequently carried out.

On the other hand, the Tribunal already knows that numerous Allied airmen, who found themselves in German territory after losing their planes, were maltreated and lynched by the Germans with the connivance of the authorities. As evidence we present only the order of 10 August 1943 by which Himmler forbade the police to take part in these lynchings and forbade them equally to oppose them. I refer to Document Number R-110, presented 19 December 1945 as Exhibit RF-1419.

Goebbels, in an article in the *Völkischer Beobachter,* intervened in the same way. Bormann, in a memorandum of 30 May 1944, confirmed these instructions and stipulated that they should be passed on to the administrative authorities, not in writing but by word of mouth only. I refer to Document Number 057-PS (Exhibit Number RF-1420), cited on 17 December 1945 by the American Delegation.

These instructions were carried out to the letter, to such an extent that the American forces have brought to trial, since the capitulation, a considerable number of German civilians who had murdered unarmed Allied airmen.

But the Defendant Göring was not satisfied simply to let these things happen. At a conference which took place on 15 and 16 May 1944 he stated that he would suggest to the Führer that not only parachutists but also American or English crews who attacked, indiscriminately, cities and civilian trains in motion should be put to death on the spot forthwith. This is Exhibit Number RF-1421 (Document Number L-166), cited by the French Prosecution, 31 January 1946, under Exhibit Number RF-377.

In fact, Göring saw Hitler between 20 and 22 May 1944. The Air Force General, Korten, sent the Defendant Keitel a memorandum pointing out that Hitler had decided that enemy airmen who were shot down should be put to death without trial if they had participated in acts described as terroristic. This is Document Number 731-PS (Exhibit Number RF-1407), which we submit to the Court in the form of a photostatic copy. I ask the Tribunal's permission not to read this document. I think the Tribunal will prefer to read it for themselves. However, I am at their disposal if they wish me to read it.

THE PRESIDENT: No; it has already been put in, has it not?

M. MOUNIER: Yes, Mr. President.

In consequence, an agreement was made with the OKW that Himmler, Göring, and Ribbentrop should be consulted on the measures to be taken in this matter. Ribbentrop proposed that any attack upon German cities should be considered as an act of terrorism. General Warlimont also, in the name of the OKW, proposed two means: Lynching and what he called Sonderbehandlung or special treatment, which consisted in delivering the parties concerned to the Sicherheitsdienst where they were subjected to diverse treatments, one of the most notorious being the well known Kugel action, of which the Tribunal has already heard and which was simply a way of doing away with those in question. Document Number 735-PS (Exhibit Number RF-1452) was submitted to this effect on 9 January 1946.

On 17 June 1944 Keitel wrote to Göring to ask him to approve the definition of acts of terrorism drawn up by Warlimont. On 19 June 1944 Göring replied through his aide-de-camp that, the population should be forbidden to act as it had done against enemy airmen and that these enemy airmen should be brought to trial, since the Allied Governments had forbidden their airmen to commit acts of terrorism. I refer here to Document Number 732-PS, which I submit to the Tribunal under Exhibit Number RF-1405.

Consequently, I draw the Tribunal's attention to this document, dated 26 June 1944, where Reich Marshal Göring declared that he would support the taking of judicial action against these airmen. Remember this date, 19 June 1944, because it is important.

But on 26 June 1944 the Defendant Göring's aide-de-camp telephoned to the OKW headquarters staff, who had insisted upon a definite reply, and notified them that his chief, Reich Marshal Göring, was in agreement with their definition of acts of terrorism and the procedure proposed which, as I recall it, included two alternatives: The handing over of those in question for Sonderbehandlung or their immediate execution. I refer to Document Numbers 733-PS and 740-PS, cited on 30 January 1946 by the French Prosecution, under the Exhibit Numbers RF-374 and RF-375 (Exhibit Numbers RF-1423 and RF-1424).

In a memorandum dated 4 July 1944 Hitler made it known that since the British and the Americans had bombed small towns of no military importance as a reprisal for V-1, he was asking the German radio and press to announce that all enemy airmen shot down in an attack of that kind would be put to death as soon as they were caught. Such are the facts found in these absolutely irrefutable documents, and if I cited in detail the reply made on 19 June 1944 by the Defendant Göring, or to be more exact, by his aide-de-camp, it is because I am anxious to introduce into the proceedings the documents concerning this question in their entirety.

But I see that in spite of the existence of the order of 19 June 1944 I am obliged to infer the full responsibility of the Defendant Hermann Göring.

In fact, the Defendant Hermann Göring states that he never agreed to these measures, and that Captain Breuer, who telephoned to the General Staff of the OKW, acted—according to the Defendant Göring—without having previously consulted him. Göring added, in the statements which he made, that he could not be held responsible for all the absurd or insignificant actions carried out by his subordinates.

But, Gentlemen, without even reference to the famous Leadership Principle—for I see no reason to apply German law to the accused in any way—the Defendant Göring is in any case responsible in his capacity as leader. Responsibility begins with authority. Moreover, what did he do to stop the massacre of airmen by people whom he had ordered to do the opposite, according to orders which it was forbidden to formulate in writing?

Even if we consider the position which he takes up in the order dated 19 June 1944, to which I have referred as establishing accurately his views at that date on the massacre of airmen and parachutists, we are compelled to see that at that date, 19 June 1944, even in Germany, the most shortsighted knew that the German forces would soon succumb to the weight of the Allied Armies.

Allied aviators were put to death in Germany throughout the war. Moreover, if the Defendant Hermann Göring maintains that the letter of 19 June 1944 was written by his aide-de-camp, he is obliged to admit that the letter of 26 June 1944, also written by the aide-de-camp, can be imputed to him, although signed by one of his subordinates. We consider, then, that this document signed by an aide-de-camp involves Göring as much as if he had signed it himself.

Mr. President and Gentlemen, I shall not enlarge upon the responsibility of the Defendant Göring for compulsory labor, but I respectfully beg the Court to refer in due course to certain rays of illumination that I have tried to indicate in this brief in order to clarify the position of the defendant in this matter.

I shall make no further mention of the employment of prisoners of war and internees from concentration camps, which I detailed on Page 10 of my brief. I should like simply to say a word concerning economic pillaging and the pillaging of art treasures. These questions are dealt with at the bottom of Page 11 of my brief.

Concerning economic pillage, Gentlemen, I shall not stress the considerable part played by the Defendant Göring as leader of the Four Year Plan in all the measures which contributed to strip literally all the western countries of their substance. I shall simply point out one fact which, I believe, has not yet been brought to your knowledge but which is found in the next to the last subheading on Page 12. This fact is the following: After the Armistice in 1940, the Defendant Göring had brought about through Roechling, the official sequestrator, the cession to the Hermann Göring Werke of all the factories of Lorraine belonging to the family of Wendel.

This is connected with all the operations of economic pillaging about which the Economic Section of the French Prosecution have already informed the Court. With regard to this, the Court will not fail to realize that the Defendant Göring shares jointly with the Defendants Rosenberg, Ribbentrop, and Seyss-Inquart—for the Netherlands—the responsibility for this spoliation.

With regard to the pillaging of works of art, Gentlemen, we have documents which permit us to draw our conclusions with regard to this matter which is obviously an unpleasant one for a man who has occupied the position of the Defendant Göring, namely, that a part of the works of art and objects of value which were pillaged from the western countries were reserved for him without any kind of compensation. I shall not discuss the exact meaning of this act in municipal law; I leave it to the Tribunal to apply the proper legal terms for this matter, when it delivers its judgment. But what I should like to say today is that the appropriation of works of art by the Defendant Hermann Göring for his private purposes is proved in documents which cannot be contested and which have already been submitted to the Tribunal. I refer particularly to Exhibit Number USA-368 (Document Number 141-PS) submitted on 18 December 1945. This document was submitted by the Economic Section of the French Prosecution under the Exhibit Number RF-1309.

I may rapidly recall that this document prescribes that works of art brought to the Louvre are to be classified in a certain way:

> "Firstly, those works of art of which the Führer reserved the right to dispose of himself. Secondly, those works of art destined to complete the collection of the Reich Marshal"—*et cetera.*

I won't read the rest of the document.

What followed these levies or these privative appropriations? Did the Defendant Göring pay anything for these? The opposite seems to be the case; for in the interrogation of the Defendant Rosenberg, which was given under the Exhibit Number RF-1332 and to which I referred in the course of the hearing, it is pointed out that the Defendant Göring made his selection from the works of art assembled by Rosenberg's staff and made no corresponding payment to the Reich treasury.

Not to abuse the patience of the Tribunal, I respectfully beg it to go back to Page 10 of the transcript previously cited, where it will see the part played by the Defendant Göring in the appropriation of works of art, and the fact that no money was paid in compensation.

I simply emphasize, in passing, that at the top of Page 11 you will find this statement, in reply to a question asked by Colonel Hinkel. Colonel Hinkel said this to him.

THE PRESIDENT: You are referring to Page 10 and Page 11 of which document?

M. MOUNIER: Page 11, Mr. President, of Document Number ECH-25, which was submitted yesterday under the Exhibit Number RF-1331, by my colleague M. Gerthoffer. It is not there, for reasons which I have already pointed out to the Tribunal.

Colonel Hinkel, at the bottom of Page 10, asked the following question:

> "Well, doesn't that letter state in the last paragraph that you don't think that Göring should pay for these articles that he had selected because he was going to put these articles in an art gallery?"

The reply of the Defendant Rosenberg:

> "Not exactly. I would like to add the following:"—which I consider important—"I was rather uneasy when at the outset I heard art treasures which the Einsatzstab had sent to Germany..."

That is all, Gentlemen, I won't say anything more. I merely want to point out to you the annoyance which the chief of the Einsatzstab himself felt on learning this fact.

Mr. President, Gentlemen, in regard to the participation of the Defendant Göring in Crimes against Humanity, particularly the concentration camps, I shall not insist; but I shall ask the Tribunal, when they have time, to refer to a few paragraphs in which I briefly recall the question. But there is a document which, as far as I know, has not been submitted to the Tribunal and which I should like to submit today. It concerns pseudomedical experiments which I believe have not yet been discussed.

You have frequently been told of Dr. Rascher's experiments in the exposure of certain persons to alternate heat and cold, but there is a question which I treat on Page 17 of my brief and which concerns the document which I submit today as Exhibit Number RF-1427. This is a document which originally had the Number L-170. It is a report made by Major Leo Alexander of the United States Army, on an institution known as the Kaiser Wilhelm Institut. Major Leo Alexander, at the time of the defeat of Germany by the Allied Forces, had to conduct certain investigations. He conducted one in connection with experiments made by Dr. Rascher and another in connection with these carried out in the Kaiser Wilhelm Institut. This report which I submit to the Tribunal is entitled, "Neuropathology in Wartime Germany." This Kaiser Wilhelm Institut was an institute designed for cerebral research. This institution had formerly been in Berlin-Buch (Page 18 in my brief) and was split up into three establishments, the first in Munich—I pass over the one in Munich—the third in Göttingen. The second, the one which interests me, was established at Dillenburg, in Hessen-Nassau, where there was a department for special pathology directed by Dr. Hallervorden. What is interesting, Mr. President...

THE PRESIDENT: Could we see the original?

M. MOUNIER: The original? Here it is, Mr. President.

THE PRESIDENT: Is the series "L" referred to in Major Coogan's affidavit?

M. MOUNIER: Mr. President, I should like to point out that this Number L-170 is the same as that referring to that same Major Leo Alexander's document book concerning the experiments of Dr. Rascher. It is the same number...

THE PRESIDENT: As this document has already been produced in evidence in the series "L"—it is L-170 I think—the Tribunal will treat it for the moment as being in evidence and will further consider its admissibility.

M. MOUNIER: Yes, sir. At all events, I should like to remind the President, who has certainly noticed it, that I reproduce in this brief, which has already been communicated to the Defense, the passage which I regard as relevant to my brief. The passage is quoted in full in my brief.

THE PRESIDENT: *[Turning to Dr. Stahmer.]* Yes, we will listen to you in a few minutes.

[Turning to M. Mounier.] Which passage do you wish to refer to?

M. MOUNIER: Pages 20 and 21 in my brief.

THE PRESIDENT: Yes, do you wish to read them?

M. MOUNIER: I accept the decision of the Tribunal. If the Court considers this reading superfluous, I shall limit myself to pointing out that what I find striking in this document is the manner in which Dr. Hallervorden ordered the delivery of brains for examination when he says:

" 'I had heard that they were going to do that.' "—That is, to say, to kill some sick people in different establishments by means of carbon monoxide.—Dr. Hallervorden explained to his American interrogator, Major Alexander.

> " '. . . I went up to them and told them "Look here now, boys, if you are going to kill all these people, at least take the brains out so that the material could be utilized.
>
> " 'They asked me, "How many can you examine?" and so I told them an unlimited number—the more the better. I gave them the fixatives, jars and boxes, and instructions for removing and fixing the brains. . . .' "

I call the attention of the Tribunal to the truly horrible nature of the measures taken in regard to the people who were to be killed merely to have their brains examined, for they were, so he said,

> " '. . . selected from the various wards of the institutions according to an excessively simple and quick method. Most institutions did not have enough physicians, and what physicians there were were either too busy or did not care, and they delegated the selection to the nurses and attendants. Whoever looked sick or was otherwise a problem patient from the nurses' or attendants' point of view, was put on a list and was transported to the killing center. The worst thing about this business was that it produced a certain brutalization of the nursing personnel. They got to simply picking out those whom they did not like, and the doctors had so many patients that they did not even know them, and put their names on the list.' "

I shall stop my citation there, Mr. President, but what I should like to do subsequently, unless the Tribunal is going to call upon Dr. Stahmer to speak . . .

THE PRESIDENT: Yes, we are now going to hear what Dr. Stahmer wants to say.

DR. OTTO STAHMER (Counsel for the Defendant Göring): I am sorry that I must contradict what has just been said, for there is no proof that these things took place or that the Defendant Göring is responsible. The Defendant Göring states that he was quite unaware of these events and that he had nothing whatever to do with matters of that kind. As far as I know, the Prosecution itself . . .

THE PRESIDENT: I have to interrupt you, Dr. Stahmer. You will have a full opportunity of presenting arguments to us to show that the evidence which is adduced, which is brought forward now against the Defendant Göring, has really no reference to him. You will have a full opportunity to do that at the appropriate stage when you present the defense. The only question we are considering now, the technical question, is whether this document is a document which is admissible. We are considering it, of course, but it is not the appropriate time for you to present your argument that the document does not refer to Göring and that Göring had no knowledge of it. That will be your defense. It isn't an objection to the admissibility of the document. It is an argument to show that Göring didn't know anything about the document and didn't know anything about the experiments.

Do you understand what I mean?

DR. STAHMER: Yes, sir.

M. MOUNIER: Mr. President, I only wanted, by introducing...

THE PRESIDENT: Yes, M. Mounier, continue.

M. MOUNIER: Mr. President, I take leave to point out to you that my friend, Mr. Elwyn Jones, has just pointed out to me that this is admitted as proof in view of the conditions under which it was submitted. This is the document entitled, "Neuropathology and Neurophysiology, including Electroencephalography, in Wartime Germany." Besides this reference is found in the English copy which I submitted in the modest document book which I submitted to the Tribunal just now. I should like to tell you, Mr. President, in citing this short passage...

THE PRESIDENT: Maybe the Tribunal had better keep the original document for the present.

M. MOUNIER: My aim, Mr. President, in citing this short passage, is to demonstrate the truly atrocious way in which they treated people in order to procure the necessary material for these so-called experiments. According to the Prosecution this relates to Hermann Göring, for the Tribunal will take into account the fact that these experiments were made for the purpose of obtaining information of a scientific or pseudoscientific nature concerning the effects upon the brains of airmen of all the accidents which might happen to them.

These experiments are connected with those of Dr. Rascher, concerning which some correspondence took place. The Defendant Hermann Göring cannot have been ignorant of this correspondence, for it directly concerned the Air Force, which he commanded. I cite, for instance, a letter dated 24 October 1942, which was addressed by Himmler to Dr. Rascher and which I submit to the Tribunal under the Exhibit Number RF-1409 (Document Number 1609-PS).

To save the time of the Tribunal I shall not read this letter. I shall simply refer to another document which has already been cited as Document Number 343-PS. It was submitted by the American Prosecution as Exhibit Number USA-463, 20 December 1945 (Exhibit Number RF-1428), and it is a letter which proves that as early as 20 May 1942 Field Marshal Milch was charged by the Defendant Göring with the task of transmitting to the SS his special thanks for the aid which they had given the Luftwaffe with these pseudo-medical experiments. Consequently, we consider that in this respect the responsibility of the Defendant Hermann Göring is clearly established.

Mr. President and Gentlemen, I have concluded the points concerning the Defendant Hermann Göring to which I wanted to draw the attention of the Tribunal. There is a conclusion in my brief against the Defendant Hermann Göring. With the permission of the Tribunal I shall not read it. I shall say that this conclusion is an extract from an old book dating from 1669, which is certainly known to everyone in Germany at least. Its title is *Simplizius Simplizissimus* by Grimmelshausen. It is a work in which persons are seen invoking dreams. Unfortunately the realization seems to have been achieved by the National Socialist regime.

I now go on to the Defendant Seyss-Inquart, whose case concerns most particularly our friends in the Netherlands on behalf of whom France is acting as counsel.

Consequently, Mr. President and Gentlemen, as regards the Defendant Seyss-Inquart, the French Prosecution is going to outline as briefly as possible both in the name of the Netherlands Government and in its own name the separate charges against this defendant. The part played by the Defendant Seyss-Inquart, his participation in the annexation of Austria, were carefully studied during the course of this Trial. But it is his operations in Holland which deserve to be thrown into special relief today.

On 13 May 1940 the Netherlands Government left Holland for a friendly Allied country. Its presence there was indicative of its firm determination not to yield up in any way its sovereign rights.

On 29 May 1940 the Defendant Seyss-Inquart, who had the rank of Reich Minister without Portfolio, was appointed Reich Commissioner for the occupied Netherlands. The Defendant Seyss-Inquart has therefore been considered responsible, by virtue of his functions, for all the acts committed by the so-called German Civil Government from that date up to the capitulation of the German Army. The speeches which he made afford evidence that he was invested not only with purely administrative functions but also with political authority.

It is, therefore, useless for him to try, as he did when he was interrogated by my friend Mr. Thomas Dodd, to maintain that in Holland he was nothing more than an official empowered to put his seal on orders, in the same way that in Austria earlier he was practically only a telegraph operator. This interrogation is dated 18 September 1945, Pages 20 to 22. I do not insist further, as I did not wish to produce these interrogations in order to avoid wasting the time of the Court with the numerous interrogations which would have had to be cited in cross-examination, and these documents will really remain for the edification of the Court.

THE PRESIDENT: M. Mounier, has the interrogation been put in?

M. MOUNIER: No, Mr. President.

THE PRESIDENT: Well, as a matter of technical procedure...

M. MOUNIER: I know in advance that you cannot accept this as proof already constituted in your eyes, considering the rule...

THE PRESIDENT: Yes, it can be given if the rule is complied with.

M. MOUNIER: My intention, Mr. President, is the following—to state...

THE PRESIDENT: M. Mounier, I think you are misunderstanding me. Under the article the prosecutors have got the right to interrogate any of the defendants, and this was an interrogation of one of the defendants.

If the Prosecution choose to do so, they can offer their interrogation in evidence. If they do not choose to do so, they need not do so. Under such circumstances the interrogation is not in evidence, and need not be furnished to the defendant until it is.

M. MOUNIER: Yes, Mr. President, I have not alluded to these statements made by the defendant. I simply wish to point out that when the defendant of whom I am now speaking is cross-examined, we shall be able to confront him with the statements he made, or, at least, I hope so.

With the permission of the Court I shall first take up the subject of the Defendant Seyss-Inquart's terrorist activities. These are shown by the following measures:

First, a whole system of collective fines. In March 1941 he established a system of collective fines which were imposed upon the Dutch cities where he thought that elements of the resistance movement existed. Thus the city of Amsterdam had to pay a fine of two and a half million.

The Defendant Seyss-Inquart also established a system of hostages. On 18 May 1942 he published a proclamation announcing the arrest of 450 persons in important official positions, who were only suspected of being in relation with the resistance movement.

In fact, the defendant has admitted before Mr. Dodd.... No, I stop, Mr. President, I did not submit these interrogations. I shall pass over this passage and only point it out in a general way, and I beg the Court not to consider this fact as an infringement of the Charter. I am simply pointing out to the Court that in this case, too, the Defendant Seyss-Inquart tried to hide behind the shadow of the Reich Chancellor, the shadow of the Führer, Hitler.

By the decree of 7 July 1942, the defendant ordered that the German tribunals, the judges of which he himself appointed, were to try not only the German citizens in Holland, but also citizens suspected of activities hostile to the Reich, to the Nazi Party, or to the German people.

At the same time the Defendant Seyss-Inquart introduced the death penalty for those who had not properly performed the security jobs assigned them by the Wehrmacht or the Security Police or who had failed to inform the German command posts of all criminal projects directed against the occupation forces which came to their knowledge.

THE PRESIDENT: M. Mounier, you were citing then a proclamation dated 18 May 1942. You did not give us any number as yet.

M. MOUNIER: Mr. President, I ought to say that I am referring in a general way to the official report of the Netherlands Government (Document Number RF-1429). The government submitted a report...

THE PRESIDENT: Is it stated there?

M. MOUNIER: Yes, Mr. President.

THE PRESIDENT: Did that also apply to the document of 7 July 1942 that you just spoke of?

M. MOUNIER: Yes, Mr. President. The Defendant Seyss-Inquart also appointed the SS Obergruppenführer Rauter, General Commissioner for Security. The latter is responsible for the murder of thousands of Dutchmen executed with the passive consent of Seyss-Inquart, inasmuch as Rauter's appointment was always maintained and was never terminated.

On the other hand, the Netherlands Government charges the Defendant Seyss-Inquart with the creation of a whole series of exceptional courts. In May 1943 he established summary police jurisdiction, and in fact through an ordinance issued by Hitler, Dutch prisoners of war who had been freed shortly after the cessation of hostilities were once more interned. A tough resistance showed itself in the Dutch factories and the newly established summary jurisdiction sentenced several Dutch citizens who were executed. Moreover, Seyss-Inquart did not fail to boast of all these terrorist measures at a meeting of Dutch collaborators and claimed responsibility for them.

The Defendant Seyss-Inquart was Hitler's supreme representative in Holland. He should be considered as responsible, along with the Defendant Sauckel, for the mass deportation of workers from Holland to the Reich between 1940 and 1945. Whether or not the German military authorities played any part themselves in the mobilization of labor, Sauckel's officials in Holland were normally placed under the authority of the Reich Commissioner Seyss-Inquart, and he must be considered as responsible for their actions. It was the Defendant Seyss-Inquart who signed the decree of the Reich Commissioner, Number 26 of 1942, which is found in the official Dutch report, in an official publication ordering the compulsory transport of Dutch labor to Germany. Those who would not work for Germany got nothing to eat; the occupation authorities even went so far as to make huge roundups in the streets of Rotterdam and The Hague in order to procure labor for the fortifications of the Wehrmacht.

In regard to economic pillage during the Defendant Seyss-Inquart's period of office as Commissioner, the Dutch economic system was plundered like that of the other occupied countries. In the winter of 1941-42 woollen goods were requisitioned by order of Seyss-Inquart for the German Army on the Eastern front. In 1943 textiles and every-day household articles were requisitioned for the benefit of the bombed-out German population. Under what the occupation authorities called the "Action Böhm," people of the Netherlands were compelled to sell wines and various objects destined to form gifts for the German population for the celebration of Christmas 1943.

The same thing happened with regard to the organization of the black market, for, in order to carry out the Four Year Plan, Seyss-Inquart gave the Defendant Göring and the Defendant Speer competent assistance in the pillage of the Dutch economic system. We can say in this way that a huge black market was fostered and maintained. The Four Year Plan utilized "snatchers" for these alleged purchases but when Dutch prosecutors tried to intervene they were prevented from doing so by the German police.

In 1940 the Defendant Seyss-Inquart issued an ordinance permitting the German authorities in Holland to confiscate the property of all persons who could be accused of hostile activities against the German Reich. The property of the royal family was, on the Defendant Seyss-Inquart's orders, confiscated by the General Commission for Security. The occupation troops could help themselves to everything that was of use to them.

This pillage was manifested in a particularly cruel manner by the abuses which went on in connection with the requisition of food products.

In fact, the official report of the Dutch Government and the document already submitted by the Economic Section of the French Prosecution under Document Number RF-139 (Exhibit Number RF-139), and Document Number RF-140 (Exhibit Number RF-140) show that, from the very beginning of the occupation, food stocks were systematically removed with the consent of Seyss-Inquart—as was also the case with agricultural produce, which was transported to Germany. When a railway strike broke out in the north in September 1944, soon after the liberation of southern Holland, Seyss-Inquart, in order to break the strike, gave orders that no food stocks were to be moved from the northeast to the West. As a result of this, it was impossible to establish food stocks in the West.

Consequently, Seyss-Inquart must also be held responsible for the famine which ensued during the winter of 1944-45, causing the death of some 25,000 Dutchmen.

In regard to works of art, the pillage was carried on in the same way. The Defendant Seyss-Inquart must be considered responsible for organizing the removal of works of art from Holland, since he expressly called in his friend, Dr. Mühlmann, who was a specialist in this branch.

In this connection I refer to the document submitted by the Economic Section of the French Prosecution under Document Numbers RF-1343 and RF-1344. The Defendant Seyss-Inquart issued a whole series of measures contrary to international law which did considerable harm to the Netherlands.

In 1941 the Dutch authorities had established a currency control system which allowed them to keep track of purchases made with German money, either of goods or public funds, with the aim of preventing abuses which would lead to the plundering of Holland's wealth in the form of materials or of currency.

On 31 March 1941 the Defendant Seyss-Inquart abolished the "currency" frontier existing between the Reich and the occupied Dutch territory. By so doing, he paved the way for all the abuses committed in monetary matters by the occupying power, in addition to the impossible sums demanded by Germany to defray the expenses of occupation: 500 million Reichsmark on 24 March 1941.

The frontier control between Dutch occupied territory and Germany was also abolished by order of Göring, in order to expedite the pillage of the Netherlands' economic system. When the war began to go badly for the Wehrmacht, especially after 1 September 1944, the destruction became systematic. The objectives aimed at by the Germans in the Netherlands were the following: First, to demolish or put out of action factories, shipyards, basins and docks, port installations, mines, bridges, railway equipment. Second, to flood the western parts of Holland. Third, to seize raw materials, semi-manufactured products, manufactured goods and machines, sometimes by requisitioning, sometimes in return for payment in money, but in many cases simply by force of arms. Fourth, to break open safe-deposits containing securities, diamonds, *et cetera*, and to take illegal possession of these. The result of these measures, responsibility for which devolves wholly or to a great extent on the Defendant Seyss-Inquart, was to throw Holland into a state of unspeakable and undeserved misery.

I have now concluded, Mr. President, the case of the Defendant Seyss-Inquart.

THE PRESIDENT: M. Mounier, how long a time do you anticipate you will take this afternoon, because I understand that the case against the Defendant Hess will be presented afterwards; and it is important that he should finish that day, so that the Chief Prosecutor may have a full day for his opening statement.

M. MOUNIER: Mr. President, both yesterday and today I have yielded most willingly to the wishes of the Tribunal. I understand perfectly your anxiety to expedite the trial as much as possible, and in view of this, I shortened the remarks which I was going to make to you this morning. For this reason, too, I state in the name of the French Prosecution that I shall now forego the presentation of the cases of the other defendants, which were on the schedule. I merely ask the Tribunal to refer to the files which we have submitted, except in the case of Keitel and Jodl. If it please the Court, my friend and colleague, M. Quatre, will make a few remarks about these two defendants at the beginning of this afternoon's session. He will try to make them as short as possible. In that way the British Delegation will have the two hours which it needs to present the case of Hess.

Consequently, may it please the Court, M. Quatre will take the floor for an hour at two o'clock and then give way to the British Delegation.

THE PRESIDENT: Another question that I would like to ask you, M. Mounier, as to the documents against the other defendants, other than Keitel and Jodl, have they been furnished to the defendants concerned in them?

M. MOUNIER: Yes, they have, Mr. President.

THE PRESIDENT: We will adjourn now.

[The Tribunal recessed until 1400 hours.]

Afternoon Session

M. CONSTANT QUATRE (Assistant Prosecutor for the French Republic): Mr. President, Your Honors, I have the honor today to bring to a close the presentation of the French Prosecution by recapitulating the charges against the Defendants Wilhelm Keitel and Alfred Jodl. Before going into my statement, I shall ask the Tribunal for permission to present a few observations. First of all, to spare the time of the Tribunal, we have joined the two defendants in the same brief. Their activities were carried on so much in common that in separating them we would run the risk of tedious repetitions and for this reason, I am condensing as far as possible what I have to say.

This presentation consists of three parts. In an introduction, I have endeavored to show the position of the two defendants in the general design of their activities. The first part following this deals with the preparation of plans of aggression, and will only be mentioned. It has already been sufficiently expounded so that it need not be brought up again.

The second part will claim my special attention. It concerns the responsibility incurred by the defendants for the crimes committed in the course of the war. In this connection, I shall not mention all the documents, testimonies, and interrogatories concerning these two defendants. If their guilt is a function of the repetition of their crimes, its main characteristic is the criminal intent which caused these crimes to be carried out. This criminal intent is made particularly clear by the few documents to which I have limited myself. I shall ask the Tribunal's permission to make a few intentionally brief quotations from these.

The documents quoted will be first quoted under the session number, which you will find written in red in the margin of the copy before you. I shall thereupon indicate the original number. If the document has already been submitted, I shall furnish the date at which it was submitted and the number under which it was submitted.

As Chief of the National Socialist Party and subsequently as Chancellor of the Reich, Hitler endeavored to gain sole control of the German Army. He wanted the unity which he had established between Party and State to prevail throughout the Army, the State, and the Party. Only under these conditions would the war machine be capable of fulfilling its function. The initial impulse would come from the Party, the State would translate it into action, and the Army would impose it, if necessary, both at home and abroad.

To achieve this aim it was necessary first of all to impose legislation which would in fact bring the whole military organization under the Führer's orders. It was also necessary to take steps to eliminate personalities too unyielding to submit to these measures. The execution of Von Schleicher in 1934 and the disgrace of Blomberg in 1938 are two examples. All that remained was to provide for their replacement by military chiefs whose conscience was sufficiently elastic to allow them to play the part of faithful executives. Keitel and Jodl were among these.

Their personal convictions and their rapid rise to eminence prove this. Questioned on 3 August 1945 by Colonel Ecer of the Czechoslovakian Military Judiciary, the Defendant Keitel spoke thus of his relations with Hitler and the National Socialist Party, (Exhibit Number RF-1430, formerly Document Number RF-710):

> "In my innermost thoughts I was a faithful supporter of Adolf Hitler and my political convictions were National Socialist. When the Führer accorded me his confidence, my personal contact with him further influenced me towards National Socialism. Today I am still a firm partisan of Adolf Hitler, which does not imply that I adhere to all the points of the program and policy of the Party."

On 7 November 1943, in a speech delivered in Munich to the leaders of the Reich and of the provinces on the strategic position of Germany at the beginning of the fifth year of the war, Jodl made the following statement by way of peroration, Exhibit Number RF-1431, Document Number L-172, submitted by the American Prosecution of 27 November 1945 under Number USA-34:

> "At this moment I should like to testify, not only with my lips but from the bottom of my heart, that our trust and confidence in the Führer are boundless."

Keitel, who entered the Army in 1901, was still a colonel in 1931. Jodl, who was 3 years younger, was promoted to the rank of lieutenant colonel only in 1932, in spite of the opportunities offered by the war of 1914-18. The past years had brought them only mediocre advancement. Those which lay before them were to lead them to the heights of honor and responsibility. They saw their star rising at last simultaneously with that of the new master of Germany. The immediate result was their admission to public life.

During the years preceding the war, Keitel did not cease to exercise high functions in the most exalted ranks of the German Armed Forces. As he was in special favor with the new master of Germany, he adopted every possible means of strengthening the influence of Nazi ideology within the Army from the moment of Hitler's accession to power. His activities in the Armed Forces Department were particularly fruitful. This was a ministerial organization which temporarily replaced the Reich Ministry of

War and was responsible among other things for the preparation and co-ordination of plans affecting the German Army. The defendant's period in office is rendered the more noteworthy by the fact that sweeping changes in organization had just been effected. The Reichswehr of the professional soldier was replaced by the Wehrmacht, recruited by compulsory military service. It was not enough to call the whole youth of Germany to the flag; it had to be clothed and fed and supplied with powerful modern weapons. This increase in the number of men under arms, these beginnings of a military economy and of a policy of rearmament, were largely due to the efforts of the defendant, who at that time enjoyed, in fact if not in theory, the prerogatives of a Minister of War.

On 4 February 1938, when Hitler abolished the War Ministry and proclaimed himself Commander-in-Chief, he transferred the chief powers of the Ministry to the High Command of the Armed Forces and its chief, Keitel, became at the same time Chief of the Führer's personal staff.

The defendant was to retain these functions until the German Army capitulated. As Chief of the High Command of the Armed Forces, Keitel did not exercise direct authority over the three services composing the Armed Forces: the Army, the Air Force, and the Navy, which were directly under Hitler. His particular function was the co-ordination of matters affecting the three services; he acted as liaison agent between Hitler and these three services, but he did more than this. His main role was that of adviser. He collated the information reaching him from the different services under his orders. This included reports from the Operations Staff under Jodl, information from the office of Admiral Canaris, reports made by the economic Armament Office under General Thomas, and by the administrative, financial, and legal branches. No matter how personal and authoritative Hitler's way of working may have been, it did not exclude the regular and constant participation of Keitel in the acts of his master. It was he who was in a position to carry out his chief's demands, to suggest, to prepare, or to modify his decisions.

If we consider his qualifications as a member of the Defense Council of the Reich and as a member of the Secret Cabinet Council and also consider their political importance, it is easy to see the scope of the role played by the defendant in every sphere, whether in the preparation of military plans in the strict sense of the term, the life or conduct of the German Army, the distribution of manpower, or the utilization of the economic resources of Germany.

Whenever a meeting was held at general headquarters or at the Chancellery, Keitel was present. He was present when Hitler made decisions of major importance. He was at his side on marches into the countries to be annexed. When orders by Hitler had to be transmitted, he in his turn would give orders, elaborating his chief's ideas and adding his personal contribution. In countersigning Hitler's decrees, Keitel did not alter the validity of these texts as regards the law of the Third Reich, but he gave Hitler a guarantee of their usefulness for the Wehrmacht and their execution to the last detail. It was in that way in particular that he acknowledged responsibility.

Like Keitel, Jodl was one of those men who staked their success on the success of the new regime and its creator. His attitude, his orders, and his activities show that he was a general inspired by political considerations, attached to Hitler, who showered favors on him. In assuming the direction of the general Operations Staff of the High Command of the Armed Forces, he also took an active and important part in the elaboration of his chief's orders.

Hitler represented the exclusive right to make decisions (Page 9 of my brief) but the two defendants who shared his every-day life during the period of hostilities brought his decisions into being, elaborated them, and ensured their execution.

Jodl fulfilled this role of counsellor, although in theory his authority was by no means equal to Keitel's. This did not prevent him from intervening in matters outside the field of pure operations, but in which he likewise engaged his personal responsibility.

This responsibility of the two defendants has a bearing on the preparation and execution of plans of aggression. We shall not come back to this point. In this matter our British colleague, Mr. Roberts, has brought out perfectly the role played by these two defendants, and we shall consider more particularly their responsibility in the conduct of the war.

First of all, their responsibility for the murder and ill-treatment of civilians, collective sanctions, and the murder of hostages (Page 13 of my brief).

From the beginning of the war and keeping pace with the occupation of new territories by the German armies, there appeared measures against the civilian population, in violation of the laws of war and of the law of nations. These violations range from the apparently harmless to the most severe sanctions, the most cruel treatment, the most senseless and inhuman executions.

If we turn to the occupied territories in the East, towards Norway, towards the western countries, we find everywhere the same reactions, the same scrupulous execution of the same directives. On 16 September 1941, Keitel signed an order regarding the repression of communist insurrectionary movements in the occupied territories. This is Exhibit Number RF-1432, Document Number

389-PS. If the Tribunal will permit me, I should like to read briefly from this document. Keitel's directives are the following:

> "Every case of insurrection against the German occupying power is to be attributed to communist initiative irrespective of the particular circumstances.
>
> "The most severe measures are to be taken to nip the rising in the bud at the first signs, so as to uphold the authority of the forces of occupation and to prevent such movements from spreading. Moreover, it must not be forgotten that in the countries in question human life often means nothing and that intimidation can be achieved only by unusual severity. In this case, the death penalty must as a general rule be considered a fitting reprisal for the death of a German soldier."

THE PRESIDENT: We have had this read already.

M. QUATRE: I am sorry, Mr. President. On 5 May 1942, addressing himself to Belgium and France in particular, Keitel ordered hostages to be taken and executed in these two countries. They were to be chosen from the nationalists, the democrats, and the communists. This is Exhibit Number RF-1433 (Document Number 1590-PS), the original of which is now in the hands of the Prosecution of the Union of Soviet Socialist Republics, which will not fail to submit it in the course of its presentation. This order merely confirms previous directives, since orders given in August and September 1941 by General Von Stülpnagel, Commander-in-Chief in France, already concerned the execution of hostages. This is Exhibit Number RF-1434 (Document Number 1588-PS) submitted 29 January 1946 by the French Prosecution under Exhibit Number RF-274.

To impose order in the occupied territories and to protect the members of the German Army from attempted violence, Keitel did not hesitate to violate the stipulations of Articles 46 and 50 of the Hague Convention, which forbid the use by the occupying power of all means of coercion or collective reprisals and which, on the contrary, impose respect for the lives of individuals.

These were not isolated cases of violation; the same things are repeated in all the occupied countries. These preventive arrests were built up into a system. They are well suited to the goal that the High Command had set itself: That of assuring in this manner a certain attitude on the part of the population which should be advantageous from a military point of view. The terms of Exhibit Number RF-1433, which I have just quoted, are perfectly definite:

> "... the military commanders should always have on hand a certain number of hostages of various political leanings....
>
> "It is important that these should include personalities in the public eye....

"In cases of attempted violence, hostages belonging to the same group as the guilty person are to be shot."

The reign of terror thus instituted was to reach its climax in the regulations for applying the Nacht und Nebel decree, issued by Keitel on 12 December 1941. This is Exhibit Number RF-1436, which I submit today as Document Number 669-PS. If the Tribunal will allow me, I shall read a few characteristic lines indicating Keitel's intentions.

THE PRESIDENT: I think we had it more than once already.

M. QUATRE: I apologize, Mr. President, and I shall go on. This is the starting point of the deportations to which France, among other countries, has contributed in such a great degree. It is unnecessary to labor the point. You know the treatment inflicted upon these women and men, torn from their homes in contempt of every law; and the atrocities committed on them are present to all our minds.

Let us likewise call attention to Exhibit Number RF-1437 (Document Number UK-20) submitted 9 January 1946 as Exhibit Number GB-163. That is an order of 26 May 1943, signed on his behalf, in which Keitel prescribed in Paragraph 3 that detailed investigations are to be made in given cases regarding the relatives of Frenchmen fighting for the Russians, if these relatives reside in the occupied zone of France. If the investigation reveals that these relatives have helped to facilitate their flight from France, severe measures are to be taken.

On 22 September 1943 the High Command of the Armed Forces, this time over Jodl's signature, sent the Commander-in-Chief in Denmark a telegram interesting from two points of view. It is Exhibit Number RF-1438 (Document Number UK-56) already submitted on 31 January 1946, under Exhibit Number RF-335. The first paragraph authorizes the enrollment of Danish nationals in the military formations of the occupying army, in SS formations. Apart from being injurious to the honor of the individuals, it contravenes the terms of the preamble of the Hague Convention, which stipulates that, in cases not included in the regular provisions, the population and the belligerents must remain under the safeguard of the laws of humanity and the exigencies of the public conscience. This attempt at Germanization ignored completely the exigencies of the public conscience.

As for the second paragraph of this telegram ordering the Jews to be deported from Denmark to Germany, that is the application of the general principle of the deportation of Jewish populations which was to lead to their utter extermination. The Tribunal is sufficiently informed on this point, so it is unnecessary to labor it.

I now come to the unwarranted devastation and destruction of cities, towns, and villages (Page 20 of my brief). The policy of terrorism carried on by the German armies in France against the resistance movement, against the Free French Forces, broke all bounds when the occupying power took steps, not against the members of the resistance forces themselves, but against the inhabitants of villages and towns suspected of harboring these resistance forces or giving them aid. I quote in this connection from a brochure put out by the High Command of the German Armed Forces under the date of 6 May 1944, which bears the signature of the Defendant Jodl in the name of the Chief of the OKW. This is Exhibit Number RF-1439, formerly Document Number F-665, submitted 31 January 1946 under Exhibit Number RF-411. Paragraph 161 of this notice reads as follows:

> "The cleaning up of villages suspected of concealing bands needs experience. The forces of the Security Service and the rural Secret Police are to be employed. The real helpers of the bands are to be identified and the most rigorous measures taken against them. Collective measures against the populations of entire villages, including the burning of the places in question, can be ordered only in exceptional cases and then only by divisional commanders, SS leaders, or chiefs of police." (Page 21 of my brief.)

But what the Defendant Jodl had ordered as an exceptional measure became the general rule in France in the spring and in the summer of 1944. Actions which had been exceptional when this order was signed now took on the aspect of large-scale operations, ordered and carried out in violation of the law of nations by army units assisted by the forces of the Security Service and the rural secret police.

On the pretext of investigating or making reprisals against local resistance elements, German officers and men scrupulously carried out the orders given by the Chief of the Operations Staff.

It was in this way that the withdrawal of German armies in France was marked by dead towns such as those which bore the names of Oradour-sur-Glane, Maillé, Cerizay, Saint-Dié, and Vassieux-en-Vercors. Jodl is responsible for these "mopping-up" operations, which began with the most arbitrary arrests and went on by progressive stages to torture, the wholesale massacre of men, women, old people, and children—even infants in arms—and the looting and burning of the villages themselves. No distinction was made among the inhabitants; all of them, even the babies, were "genuine auxiliaries."

Never have the necessities of war justified such measures, all of which constituted violations of Articles 46 and 50 of the Hague Convention.

I come now (Page 23 of my brief) to the mobilization of civilian workers and to the deportation of civilians for forced labor. The decree appointing Sauckel Plenipotentiary for Labor Allocation, under date of 21 March 1942, is signed by Hitler, Lammers, Chief of the Reich Chancellery, and the Defendant Keitel. This is Exhibit Number RF-1440 (Document Number 1666-PS) submitted by the American Prosecution on 12 December 1945 under Exhibit Number USA-208.

The first paragraph provides for the recruiting of all available civilian labor for employment in the German war industry and particularly in the armament industry. All unemployed workers in Germany, the Protectorate, the Government General, and all the occupied territories were liable for this. This constitutes a violation of Article 52 of the Hague Convention.

On 7 November 1943, in the course of the speech to which we have already alluded, the Defendant Jodl, speaking of the tasks incumbent upon the populations of German-occupied territories, declared in Exhibit Number RF-1431 (Document Number L-172) which I quoted some time ago:

> "In my opinion the time has come when we must have no scruples in taking stern and resolute measures in Denmark, Holland, France, and Belgium in order to force thousands of unemployed to work on fortifications, which is more essential than any other work. The necessary orders have already been given."

Sauckel would not have expressed himself otherwise. Jodl also champions this requisitioning of services to utilize the potential labor of the western occupied territories for military purposes in the exclusive interest of Germany. It matters little that the Hague Convention prohibits such procedure. For him, too, total warfare and the triumph of Germany take precedence over respect for international conventions or the customs of war.

I now come to the responsibility of the Defendant Keitel in the sphere of economic spoliation and looting of art treasures. I shall be extremely brief. I point out to the Tribunal three documents which have already been submitted to it. I simply refer to them: Exhibit Number RF-1441 submitted yesterday by my colleague of the Economic Section under Exhibit Number RF-1302, and Exhibit Number RF-1400 (Document Number 137-PS) submitted 18 December 1945 by the American Prosecution under Number USA-379, and finally Exhibit Number RF-1443 (Document Number 138-PS), submitted yesterday under Exhibit Number RF-1310.

In regard to this, I shall merely submit to the Tribunal today a short letter consisting of five lines, addressed by Keitel to Rosenberg, Chief of the Einsatzstab. This is Exhibit Number RF-1444, (Document Number 148-PS) which reads as follows:

> "Most Honored Reich Minister.
>
> "In reply to your letter of 20 February I inform you that I have instructed the High Command of the Army to make the necessary arrangements with your delegate for the work of your special units in the operational area."

It can therefore be said that Rosenberg's activities received the continued support and assistance of the Army from the very first and in this way Keitel also made a personal contribution to the looting of the art treasures of France and the western countries. These measures were at first invested with an appearance of legal justification. They did not take place, according to Keitel, by virtue of a right to take, but simply as a guarantee for future peace negotiations. But these measures quickly degenerated into a general plundering of the art treasures of all kinds possessed by these western countries, in violation of the stipulations of Articles 46, 47, and 56 of the Hague Convention, which forbid the confiscation of private property and the pillage or seizure of works of art and science by the members of the occupying army.

I have now reached the last main part of my brief, which concerns (Page 28) the violations of conventions and laws of war relating to prisoners of war. In this field, in particular, Keitel and Jodl have made themselves guilty of peculiarly unwarrantable measures, contrary to the laws of war.

To begin with, they have violated Article 6 of the Appendix to the Hague Convention, which stipulates that "work carried out by war prisoners shall not be excessive and shall have no connection with war operations."

Now, in a memorandum signed on his behalf, dated 31 October 1941, Keitel, as Chief of the OKW, forces Russian prisoners of war, interned in the Reich, to perform work connected with war operations. This is proved by Exhibit Number RF-1445 (Document Number EC-194) submitted by the American Prosecution on 12 December 1945, under Exhibit Number USA-214. In this text Keitel expresses himself thus:

> "The Führer has just ordered that even the labor capacity of Russian prisoners of war must be placed at the disposal of the German war economy on a large scale."

That is the signal for the immediate setting up of a program for incorporating these prisoners into the German war economy. It is true that in 1941, this document concerns only Russian prisoners of war; but from 21 March 1942, the incorporation of all war prisoners into the German war industry, and more especially the armament industry, is put into practice. The decree signed by Hitler appointing Sauckel Plenipotentiary for Labor Allocation, to which reference already has been made, provides, likewise, for the use of all prisoners of war in the German armaments industry. This is shown by Document RF-1440, which reveals the violation of Articles 27, 31, 32, and 33 of the Geneva Convention.

One month later, on 20 April 1942, Sauckel expressed himself thus, in his mobilization program for the labor forces, Exhibit Number RF-1446 (Document Number 016-PS) submitted 11 December 1945 by the American Prosecution, under Exhibit Number USA-168:

> "It is absolutely necessary to make the fullest possible use of all prisoners of war and to employ the greatest possible number of new civilian workers, both men and women, if the labor program in this war is to be realized."

In this way Sauckel succeeded in incorporating 1,658,000 prisoners of war into the war economy of the Reich by 6 February 1943, as he announced in a speech made at Posen. This is shown by Exhibit Number RF-1447 (Document Number 1739-PS), submitted on 8 January 1946 by the French Prosecution under Exhibit Number RF-10.

The 1,658,000 prisoners of war were the following: Belgians, 55,000; French, 932,000; British, 45,000; Yugoslavs, 101,000; Poles, 33,000; Russians, 488,000; Others, 4,000; Total: 1,658,000.

The fact that such a large contingent was put at the disposal of the German war economy implies perfect collusion between Sauckel's labor services and Keitel, who, in his capacity of Chief of the High Command, was responsible for this reservoir of manpower and the use to which it was put.

These flagrant violations of the Hague and Geneva Conventions were later accompanied by measures inspired or authorized by the defendants, which were even more serious because they no longer violated only the war prisoners' rights as such but also involved physical assaults on their persons, which might even cause their deaths. These violations have a bearing, first of all, on the violation of security (Page 32 of my brief).

Exhibit Number RF-1448, (Document Number 823-PS), submitted 30 January 1946 under Exhibit Number RF-359 offers us a report drawn up by the office of the Operations Staff for the Chief of the High Command. It relates to the establishment of camps for British and American Air Force prisoners in German bombed towns. The Operations Staff of the Luftwaffe proposed this arrangement so that the presence of these air force prisoners might protect the population of the cities concerned against possible attacks by the British and American Air Forces and in order to transfer all the existing camps for air force prisoners to these places.

Jodl approved this measure on behalf of the General Staff of the High Command, considering that if it was limited to the establishment of new camps, it would not be contrary to international law.

If we did not know the reason underlying this decision we might believe, like the Defendant Jodl, that it does not run counter to international law. But this measure, as the first lines of this document specify, is above all an indirect means of safeguarding the German urban population. The Allied war prisoners are only a means of warding off possible air attacks; and to attain this end no hesitation is shown in aggravating their condition by exposing them to the dangers of war. This is a grave violation of the obligation regarding the safety of prisoners imposed by Article 9 of the Geneva Convention upon the power detaining prisoners of war.

Keitel writes only two words on the first page of the document—"No objections"—and adds his initials.

I now come (Page 34) to the measures taken against escaped prisoners. The nature of these measures later became particularly serious, as is shown by Exhibit Number RF-1449 (Document Number 1650-PS), submitted on 13 December 1945 by the American Prosecution under Number USA-246. The Tribunal is sufficiently informed as to this and it is not necessary, I think, for me to read it.

This document reveals the "Aktion Kugel" which was designed to put a stop to the escapes of officers and noncommissioned officers. Its only purpose was to turn escaped prisoners over to police organizations. This is the Sonderbehandlung mentioned in orders and reports, but this "special treatment," as you know, is nothing more or less than extermination.

Yet, in the terms of Article 47 and succeeding articles of the Geneva Convention, only disciplinary punishment in the form of arrest can be inflicted by the detaining power on escaped prisoners of war. Keitel did not hesitate to abandon these methods for more radical means.

DR. OTTO NELTE (Counsel for Defendant Keitel): The French prosecutor is about to refer to a document which is in the document book under RF-711 and has been presented to the Court under Document RF-1450. This document is marked as a summary of an interrogation of General Westhoff, and it forms a particularly grave charge against the Defendant Keitel. It concerns the shooting of R.A.F. officers who had escaped from the Camp of Sagan. I protest against the use of this document in evidence for the following reasons:

1. The original is not an affidavit but only a summarized report of General Westhoff's statements. 2. The report submitted is not signed by Colonel Williams, who conducted the interrogation. It is not signed at all but has only a translator's note on it. 3. One cannot see, from the document, who drafted it. 4. In addition, one cannot see from that report whether General Westhoff was questioned under oath. 5. General Westhoff is, as far as I know, right here in Nuremberg. 6. There is a protocol concerning General Westhoff's interrogation. For these reasons I ask the Court to verify whether that document, which has been presented as a résumé of General Westhoff's interrogation, can be admitted in evidence.

THE PRESIDENT: *[Turning to M. Quatre.]* Well, what do you say to the various points raised by Dr. Nelte?

M. QUATRE: Mr. President, I recognize the soundness of the request by the Defense and I shall be in a position at the end of this session to produce before the Tribunal the complete minutes of the interrogation of General Westhoff, accompanied by an affidavit by Sir David Maxwell-Fyfe. I regret not being able to produce them at the moment. I received these minutes late for certain reasons and I thought it better not to add them to my document book.

THE PRESIDENT: The Tribunal considers that the document which you have submitted to us cannot be admitted. It is a mere résumé. The Tribunal thinks, also, that it can allow the interrogatory to be used only if a copy of it is handed to the defendants' counsel and the witness who made the interrogatory is submitted to the defendants' counsel for cross-examination, if they wish to cross-examine him. Otherwise you must call General Westhoff and examine him orally. Is that clear? I will repeat it if you like.

The document you have submitted to us is rejected. You can either call General Westhoff as a witness, in which case, of course, he will be liable to cross-examination; or you can put in the interrogatory after you have supplied a copy of it to Defense Counsel, and then General Westhoff, who made the interrogatory, will be liable to cross-examination by the Defense Counsel.

SIR DAVID MAXWELL-FYFE: Would the Tribunal allow me to intervene for one moment?

The document to which my learned friend referred a moment ago as having been certified by myself is a report of the United Nations War Crimes Commission, which I received from the Chairman, Lord Reith, and certified as such a report. It therefore, in my respectful submission, becomes admissible under Article 21 of the Charter. It is not merely a transcript of the interrogation. That is the document to which my learned friend referred and that is available and can be procured quite shortly.

THE PRESIDENT: Sir David, I follow that point, but at the same time that does not altogether meet the situation. If it is true that General Westhoff is in Nuremberg at the present moment, it would scarcely be fair that a document of that sort should be put in unless the person who made the statement or from whose interrogatory the statement was composed was submitted for cross-examination.

SIR DAVID MAXWELL-FYFE: With the greatest respect, My Lord, I should like the Tribunal to consider that point because the Tribunal has not got the document in front of it; but it is a report to the United Nations War Crimes Commission, based on the interrogatory. It therefore, in my respectful submission, becomes admissible as a report within the actual words of Article 21 and therefore is a matter which the Tribunal shall, under the Charter, take judicial notice of.

THE PRESIDENT: Would your submission be that the right course would be to take that report into consideration and leave it to the defendants, if they wished it, to call General Westhoff?

SIR DAVID MAXWELL-FYFE: That would be my submission—that is my submission because of the effect of Article 21 or the course which is contemplated in view of the special powers and special validity given to such reports by Article 21.

THE PRESIDENT: The Tribunal would like to know whether the interrogation was made by the Prosecution in Nuremberg?

SIR DAVID MAXWELL-FYFE: I am told that the interrogation was made in London. I did not know that General Westhoff was in Nuremberg. I will make inquiries on that point.

THE PRESIDENT: Sir David, were you able to inform us whether or not the interrogation was made in Nuremberg or in London?

SIR DAVID MAXWELL-FYFE: I am told it was made in London.

THE PRESIDENT: Do you know where the witness is now?

SIR DAVID MAXWELL-FYFE: I did not know he was in Nuremberg until Your Lordship mentioned it, but I can easily verify that point.

DR. NELTE: Last week I received a letter from General Westhoff, from the witnesses' block of the prison here in Nuremberg, with answers to other questions. So you see that he was here last week.

THE PRESIDENT: The Tribunal will adjourn now.

[A recess was taken.]

SIR DAVID MAXWELL-FYFE: I wonder if I might just add one or two words to clarify the position. I do this because this is a matter to which the British Government, in particular, attached very great importance.

The position was that last September—on 25 September—the British Government sent a full report of this incident to the United Nations War Crimes Commission. That report included statements before a court of inquiry, statements of Allied witnesses, statements taken from German witnesses, including General Westhoff, a copy of the official lists of the dead, and a report of the protecting power. All that was sent by the British Government to the United Nations War Crimes Commission last September; and the statement of General Westhoff, which I certified as being a report of the United Nations War Crimes Commission, was part of an appendix to that report which was then in the custody of the United Nations War Crimes Commission and of which a copy was sent to me here.

I provided that to my French colleagues and that refers to an earlier report made by General Westhoff at an interrogation which took place in London as a part of the matter of that report.

The document which my learned friend was adducing today was a summary of a subsequent interrogation of General Westhoff taken in Nuremberg. My Lord, I wanted to get the position perfectly clear, if I could, to the Tribunal, because, as I say, the incident is one of some importance and the British Government report will be, I hope, tendered the Tribunal by my Soviet colleague, as the incident lies to the east of the line which we have drawn through the center of Berlin and therefore falls within the Soviet case.

But I do not want the Tribunal to be under any misapprehension as to the nature of the earlier report that was made, the one which my learned friend referred to as being able to put in later should the Tribunal desire it.

THE PRESIDENT: But you are agreed that the document which is now being offered to the Tribunal is not a government document within Article 21 of the Charter?

SIR DAVID MAXWELL-FYFE: I quite respectfully agree that that is not really the document on which I intervened. I intervened on the second one.

THE PRESIDENT: At this stage we are not concerned with that document, only with the document offered in evidence to which Dr. Nelte objected, and that document is not a government document within Article 21.

SIR DAVID MAXWELL-FYFE: That I understand is so, but I was really intervening to explain that the second document comes...

THE PRESIDENT: I quite understand, yes. The Tribunal allows the objection of Dr. Nelte. It considers that the document which has been submitted is not a governmental document within Article 21 of the Charter and is therefore rejected. The Tribunal adheres to the decision which I announced just before we adjourned, namely, that if the Prosecution desires to do so, they can produce the interrogation of which the document submitted to them is understood by them to be a résumé; and if they do so, then they must produce the witness, General Westhoff, for cross-examination by the defendant's counsel. In the alternative, they can produce and call General Westhoff himself and then, of course, he will be liable to cross-examination by the defendants' counsel.

M. QUATRE: I take notice of the Tribunal's decisions and I should like to state that as I am eager not to lose time, and much time has already been lost in the course of today's session, we shall not make use of this document now, nor shall we call General Westhoff. I shall simply request the Tribunal to note that we reserve the right to call General Westhoff, if necessary, when the defendants are cross-examined. May I continue, Mr. President?

THE PRESIDENT: You may.

M. QUATRE: I had reached, Gentlemen, Page 36 of my brief, concerning the treatment of Allied airmen who were prisoners. This point had already been discussed at some length before you.

THE PRESIDENT: Perhaps I ought to say that the Tribunal will be willing to sit this evening until half past five, in order that the case against the Defendant Hess may be concluded; but it is very important that the case should be concluded tonight, against the Defendant Hess, because the Soviet Prosecution will require the whole day for their presentation tomorrow.

M. QUATRE: Mr. President, I shall be very brief. I shall pass straight on to my conclusion. I shall say nothing about the treatment of Allied airmen. You know the circumstances, as well as the treatment of commando troops, and I once more beg the Tribunal's pardon for having unintentionally spoken at such length. I shall now conclude.

It is definitely the conception of criminal intention which was present in the drafting of the orders and directives which we have just examined. The reality of the acts perpetrated as a result of these decisions cannot be denied, nor should we overlook or underestimate this moral element, qualified by French penal law, to use the formula of an eminent jurist as "knowledge on the part of the agent of the illicit character of the acts performed by him." The two defendants were fully cognizant of the illicit nature of orders which they knew would be scrupulously carried out.

With Keitel and Jodl the systematic rejection of the laws and customs that mitigate the horrors of war and the setting up, as a matter of principle, of the most barbarous practices, are the reflection of the norms and precepts of National Socialism and its leader, for whom all international rules, all conventions, any ethical code represented an intolerable restraint, an obstacle to the goal to be attained, inasmuch as they interfered with the higher interests of the German community.

It is not a matter of indifference to know whether Keitel and Jodl were urged by personal ambition or whether, true to the pan-German tradition of the German General Staff, they yielded to the National Socialist frenzy in the hope of one day seeing the arrogant pretensions of Germany fully realized.

The most important point in our opinion is the personal contribution which they consciously and voluntarily made to the enterprise of destruction carried out by the Third Reich.

For 10 years Keitel was the "king pin" of the German Army and from 1936 onward Jodl did not cease to be his collaborator. Before the war they worked to promote the war, and during the war they deliberately flouted the rules of law and justice, the sole safeguards of fighting men, held the dignity of mankind in utter contempt, and thus failed to do their duty as soldiers.

Nacht und Nebel, the Kugel Aktion, the Sonderbehandlung, the destruction of our cities—all this will be forever associated with the names of these men, and particularly with the name of Keitel who dared to proclaim that human life was less than nothing.

And at this moment we cannot prevent our thoughts from turning towards the innumerable absent ones who for that reason sacrificed their lives.

LIEUTENANT COLONEL J. M. G. GRIFFITH-JONES (Junior Counsel for the United Kingdom): May it please the Tribunal, it is my duty to present the evidence upon Counts One and Two of the Indictment against the Defendant Hess.

My Lord, the trial brief, which I believe the Tribunal have before them, has been made out in the form of a fairly full note of the evidence to which I intend to refer, and it may be of convenience to the Tribunal to have it before them during the court sitting.

May I first prove the positions which he held and which are set out in Appendix A of the Indictment, and say a word about his early life.

The defendant was born in 1894. He is now 52 years old. He served in the German Army during the last war and in 1919 he went to Munich University. There he became the leader of the Nazi organization in that university and in 1920 he became a member of the Nazi Party itself. He was among the first of the SA, and he became the leader of the students' corps of police. In 1923 he took part in the Munich Putsch, and as a result of that he was sentenced to 18 months in prison. Half of that period he served in jail with Hitler himself. I stress that, because it was during those seven and one-half months in prison with Hitler that Hitler dictated *Mein Kampf*.

THE PRESIDENT: Have you got...

LT. COL. GRIFFITH-JONES: I think I know what the difficulty is. This case was originally scheduled to be presented by the American Delegation and they did have a brief of their own. It may be that that is the brief which Mr. Biddle has before him. I will hand you up a spare copy.

THE PRESIDENT: Go on, Sir.

LT. COL. GRIFFITH-JONES: It was during that time that Hitler dictated *Mein Kampf* to this defendant.

Now, dealing with his actual appointments: From 1925 until 1932 he was private secretary and aide-de-camp to Hitler. In 1932 he became the Chairman of the Central Political Committee of the Party, in succession to Gregor Strasser. In March 1933, after the Nazi Party became a power, he became a member of the Reichstag, and in April of that year he was appointed Deputy to the Führer, a position which he held until he flew to England in May of 1941.

That evidence so far is all contained in two documents, one a book called *Dates of the History of the Nazi Party*, by Volz, which is already in evidence as Document Number 3132-PS and was put in evidence as Exhibit Number USA-592, and the other the *Deutsches Führerlexikon*, Document Number 3191-PS, Exhibit Number USA-593.

On the first of December 1933, he became Reich Minister without Portfolio, another position which he held throughout the remainder of his time in Germany. That appears in the *Reichsgesetzblatt*. It is Document Number 3178-PS and it goes in now as GB-248. On the 4th of February 1938 he became a member of the Secret Cabinet Council. My Lord, that is Document Number 3189-PS, and becomes GB-249.

On the 30th of August 1939 he became a member of the Council of Ministers for Defense of the Reich, Document Number 2018-PS, which becomes GB-250. On the 1st of September 1939 he was appointed successor designate to the Führer, after Göring. Göring, it will be remembered, was successor Number 1, and during that time Hess held the positions of Obergruppenführer in the SS and in the SA.

That completes the formal proof of the positions charged against him in the Indictment. I would say a word upon the authority he exercised under and holding these positions. The Tribunal will remember that in appointing Hess as his Deputy, the Führer decreed, in the decree by which he made the appointment, as follows: "I hereby appoint Hess as my Deputy and give him full power to make decisions in my name on all questions of Party leadership." The extent of his office as Deputy Führer can be seen from the Party year book of 1941, to which I would briefly refer the Tribunal, as it appears on Page 104 of the Tribunal's document book. It is Document Number 3163-PS and has already been put in as USA-255. I quote from that year book:

> "By decree of the Führer of 21 April 1933 the Deputy of the Führer received full power, to decide in the name of the Führer on all matters concerning Party leadership. Thus, the Deputy of the Führer is the representative of the Führer, with full power over the entire leadership of the National Socialist German Workers Party. The office of the Deputy of the Führer is therefore an office of the Führer.
>
> "In essence, it is the duty of the Deputy of the Führer to direct the basic policies of Party work, to give directives, and take care that all Party work be done in agreement with National Socialist principles.
>
> "All the threads of the Party work are gathered together by the Deputy of the Führer. He gives the final Party word on all intra-Party plans and all questions vital for the existence of the German people. The Deputy of the Führer gives the directives required for all the Party work, in order to maintain the unity, determination, and striking power of the National Socialist German Workers Party as the bearer of the National Socialist philosophy.
>
> "In addition to the duties of Party leadership, the Deputy of the Führer has far reaching powers in the field of the State. These are:
>
> "1. Participation in national and state legislation, including the preparation of Führer decrees. The Deputy of the Führer in this way validates the conception of the Party as the guardian of National Socialist philosophy.
>
> "2. Approval of the Deputy of the Führer of proposed appointments for officials and labor service leaders.
>
> "3. Securing the influence of the Party over the self-government of the regional administrations."

I would refer the Tribunal to Page 119 of the document book, which is a chart which shows the organization of the Deputy of the

Führer's office. It is Document Number 3201-PS which becomes GB-251. I would particularly refer the Tribunal to the square in the center, showing the liaison officer of the Wehrmacht, and showing his close association with the Army; and in the right-hand column at the top: "Chief of the Foreign Organization," of which I shall tell the Tribunal in a moment; "Commissioner for Foreign Policy," showing his concern with the foreign policy of the German State; "Commissioner for All Technological Matters and Organization"; "Commissioner for All University Matters"; "Commissioner of University Policy," showing his concern with the education of Germany; and further down "Office for Racial Policy," showing his concern with the anti-Jew policy of the Nazi Government that followed; and at the bottom again, "Specialist on Education."

But a glance at that chart will show that he was really involved in every aspect and every branch of Nazi life and the organization and administration of the State. As Reich Minister without Portfolio, in the Law to Secure the Unity of Party and State of 1 December 1933, it was stated that his task was to guarantee the close working co-operation of the Party and the SA with public authority. Put in as Document Number 1395-PS, it becomes GB-252.

He acquired wide legislative powers, as it has already been seen from the extract which I have read from the Nazi year book of 1941. I would particularly draw the attention of the Tribunal to a decree of Hitler's dated 27 July. The extract which I wish to quote is set out in the trial brief. It has already been read and therefore I will do nothing now other than to draw the attention of the Tribunal to it. The document is Document Number D-138 and has been put in as USA-403. By the law for the protection of people in November 1933, it will be remembered that Hitler and his cabinet obtained for themselves full powers of legislation, independently of the Reichstag, and this defendant, being a member of the cabinet, of course, shared in these powers.

His approval of that procedure can be seen from a speech he made on the 16th of January 1937, and a short extract is again set out in the trial brief that the Tribunal has before them:

> "National Socialism has seen to it that vital necessities of our nation can today no longer be taken away by a Reichstag and made the object of the haggling of parties. You have seen that in the new Germany decisions of historic importance are made by the Führer and his cabinet within a few hours, decisions which in other countries must be preceded by parliamentary debates lasting days and weeks."

That last extract is taken from Document Number 2426-PS, which becomes Exhibit Number GB-253.

That these powers and offices were no sinecure is clear from Hess' own order which he issued in October 1934. I will not read it now because it has already been read. It is Document Number D-139 and was put in as USA-404; and the Tribunal will remember that he is there issuing a decree saying he has been given the right to participate in legislation by the Führer and any office that is promoting legislation, in which he therefore ought to take part, must let him have the draft in time to take effective action on it if he disapproves of it.

I think again the extract I have read from the year book sufficiently describes the powers that he had without my referring to more than two other documents upon this matter. On Page 5 of the trial brief it will be seen that he acquired powers and took part in the organization and production under the Four Year Plan. I quote from a lecture given by the Defendant Frick on the 7th of March 1940, which is Document Number 2608-PS and has already been put in as USA-714. But the short passage that I quote now was not actually read. In that lecture Frick said:

> "In order to guarantee the co-ordination of the various economic agencies of the Four Year Plan, those agencies were formed into a general council, under the chairmanship of Göring. Its members are the state secretaries of the agencies working in the field of war economy, the Chief of the Military Office of Economy, and a representative of the Deputy of the Führer."

And lastly, a quotation from the *National Zeitung* of the 27th of April 1941, which is Document Number M-102 and becomes GB-254. My Lord, it appears on Page 4 of the trial brief. I quote from these passages, set out simply to save the Tribunal's time in referring to the document book. It does appear on Page 12 of the document book if the Tribunal desires to refer to the full extract:

> "A long while ago—it was still before the outbreak of the war—Rudolf Hess was once called the 'Conscience of the Party.' If we ask why the Fuhrer's Deputy was given this undoubtedly honorable title, the reason for this is plain to see. There is no aspect of our public life which is not the concern of the Führer's Deputy. So enormously many-sided and diverse is his work and sphere of duty that it cannot be outlined in a few words; and it lies in the nature of the duties laid on the Führer's Deputy that the public at large hears little of the work of Rudolf Hess. Few know that many government measures taken, especially in the sphere of war economy and the Party, which meet with such hearty approbation when they are proclaimed because they voice true public feeling,

can be traced back to the direct initiation of the Führer's Deputy."

Perhaps I ought to remind the Tribunal that in the decree appointing a Secret Cabinet Council, that council was appointed by Hitler to advise him in the conduct of foreign policy. The Tribunal will find attached to that document book a few photos. They are of little importance. They were really to emphasize or remind the Tribunal of the film that was shown earlier in the course of these proceedings, when, it will be remembered, the Defendant Hess appeared in practically every scene of that film "The Rise to Power of the Nazi Party." These photographs are not actually photographs from that film; they are somewhat similar and I produce an affidavit with them to state they were taken by Hitler's own private photographer. That affidavit becomes Document Number GB-255.

That, then, is the evidence of his position and of his authority; and perhaps I might be allowed to make one short submission upon that. I make it in respect of this Defendant Hess, although it is perhaps a submission which can be made in respect of every one of these defendants.

The Prosecution has presented these cases against the individual defendants in the form of a collection of the documents which directly refer and which directly connect these defendants with specific instances of participation in the various crimes that were committed by the German people. My Lord, it will be my submission that it is sufficient to justify and bring home the conviction of this man and his colleagues to produce simply evidence of their positions in the Nazi State and the control of that State and also the general evidence of the crimes which were committed by the German people. It is only perhaps now, at this late stage in the trial, as day by day the extent and scope of those crimes is becoming clearer, that we realize that they cannot have happened by themselves. Crimes on that scale must be organized, co-ordinated, and directed. If the government of Nazi Germany, or the government of any country, is not the organization which directed and co-ordinated, what is? If the members of the German nation who are committing those crimes are not people responsible for them, then, in my submission, one is entitled to ask, Who is?

My Lord, there can be no question that these men had knowledge. Again, as the picture unfolds, it will be my submission that everybody in Germany must have had knowledge of what was going on; and if everybody had knowledge, then, my submission is, these men must certainly have had knowledge; and I would urge upon this Tribunal the fact that the conviction of these men does not rely upon the mere chance of how many documents happened to have been captured bearing their signatures. It might well have been that no documents at all had been captured. But, in the submission of the Prosecution, these men could equally well and equally justifiably have been proved guilty in the part they took, beyond any kind of doubt, upon the evidence of the positions that they held and the evidence of the scope and extent of the crimes that were committed by the people they controlled.

My Lord, that is my submission, and in view of that, I would perhaps deal briefly, for the convenience of the Tribunal, with the small matters, the many matters, which do directly connect him with, as I say, almost every aspect of the crimes and life of Nazi Germany.

I turn to Page 6 of the trial brief....

DR. ALFRED SEIDL (Counsel for the Defendant Rudolf Hess): The prosecuting attorney just mentioned a sworn statement. I cannot find this sworn statement either in the document book or in his trial brief. I can, consequently, take no position in regard to this sworn statement, nor, especially, can I go into the question as to whether there is any objection to the statement as regards the terms of the Charter. I request the prosecuting attorney to present me with this sworn statement.

THE PRESIDENT: We couldn't hear the rest of the translation through. Well, go on!

DR. SEIDL: Mr. President, I am not sure how much of the translation you heard.

THE PRESIDENT; Well, there is some document that you are saying is not in the document book?

LT. COL. GRIFFITH-JONES: I intend to say that the photographs are in the book. The affidavit by the photographer was by mistake omitted from the book; the original is here. I will produce a copy for Dr. Seidl, and I regret it was not done before. It was not a very important document.

My Lord, it might be expected that, in the positions he held, the Defendant Hess took a leading part in the acquisition of power by the Nazi Party and in its consolidation of control over the State. By the law of the 1st of August the office of Reich President...

THE PRESIDENT: 1934?

LT. COL. GRIFFITH-JONES: I beg your pardon, 1934, yes. *[Continuing]*...and of Reich Chancellor were joined together under Hitler. Hitler held both offices. That decree was signed by others and by Hess. Hess also signed a decree on the 20th of December 1934, a decree entitled "Laws against Treacherous Acts against the State and Party." By Article 1 of that decree penalties were imposed upon anybody making false statements injuring the prestige of the government, the Party, or its agencies; and by Article 2 penalties were imposed for statements proving a malicious attitude against the Party or its leading personalities. The decree was signed by Hess, and it was Hess who had to issue the necessary regulations for carrying the decree into effect.

He took a leading part in the gaining of control over government appointments. I quote again in all these matters only a few examples. If one wanted to quote every decree that the defendant signed and every act he took in participation of these matters, it would really entail writing a history of the Nazi Party from 1920 until 1941, and a history of Germany from 1933 until 1941. Set out in the trial brief at Page 7, it will be seen that there are various decrees, all signed by Hess: On the 24th of September 1935, a decree providing for his consultation in the appointment of Reich civil servants; 3rd April 1936, providing for his participation in the appointment of labor service officials; and I refer again to the 10th of July 1937, another decree under which he participated by having to be consulted upon the appointment of other minor civil servants.

With respect to the control of the Nazi Party gained over the German youth, again there are various decrees signed by this defendant and I set out in the trial brief, particularly, a reference to the book which has already been put in, Volz' dates of the Nazi Party, where it appears that he appointed a University Commission of the Party, which was under his supervision. The Tribunal will remember that we have already seen from the chart of his staff that he had a department dealing with universities and with teachers.

And I am quoting from the same document. On the 18th of July 1934, the Nazi League of German Students was directly subordinated to the Deputy of the Führer.

The defendant, as the Tribunal has heard, was an Obergruppenführer himself in the SS and the SA. His responsibility for an association with those organizations can be seen from three documents. Amongst the papers found in the Krupp files was a circular sent by Hess, apparently to various industries, asking for funds or subscriptions for the Adolf Hitler Fund for German Industry. The document is Document Number D-151, which I put in now as Exhibit Number GB-256, and the relevant extract again is set out in the trial brief for convenience:

> "The 'Adolf Hitler Fund for German Economy' is founded upon an agreement between the Reich management of the NSDAP and leading representatives of German industry."

Then its purpose is set out:

"To put, firstly, at the disposal of the Reich leadership the funds required for the unified execution of the tasks which fall to the lot of the SA, SS, St., HJ and other political organizations. . . ."

He signed a decree on the 9th of June 1934.

For the convenience of the Tribunal, perhaps I ought to mention that that last document I mentioned can be found at Page 5 of the document book.

On the 9th of June 1934 he signed a decree by which the Security Service of the Reichsführer SS was established as the sole political news and defense service of the Party.

On the 14th of December 1938, he issued a decree by which the SD, which Himmler had established, was taken off the establishment of the Party; and it was, under that decree, to be organized by the SS. Those were both Hess decrees; and they are here both the same document, Document Number 3385-PS, which becomes GB-257; and they appear at Page 172 of the Tribunal's document book.

My Lord, there has already been given much evidence of the subversion of the churches in order to eliminate any hostile parties there may have been to the Nazi Party. Hess again took his share in that legislation, and there are set out in the trial brief, on Pages 8 and 9, a series of decrees which have already been put before the Tribunal during the presentation of the case against Bormann.

Bormann, it will be remembered, was at this time and throughout, until Hess flew to England, Hess' deputy; and therefore, it will be my submission that decrees issued by Bormann as deputy for the Deputy of the Führer are, of course, the responsibility of this defendant as well.

For the sake of time I believe the Tribunal has a reference to the decrees and will bear in mind the evidence that was offered against the Defendant Bormann.

I come now, then, to his activity in the general persecution of the Jews. Again it will be remembered that the chart of his organization showed an office of his which described itself as the Office for Racial Policy. His own views about this matter are found in a speech which he made on the 16th of January 1937 and which is reported in a volume of his speeches which is Document Number 3124-PS. It is already in as Exhibit Number GB-253. The extract I desire to quote is set out in the trial brief. The document can be found on Page 98 of the document book.

"The organizations of the NSDAP will be used for the enlightenment of the people on questions concerning race and health with the aim of improving the latter and increasing the population . . ."

> "As at home, so in foreign countries, the Germans will be influenced in the National Socialist sense by the Landesgruppen or local groups of the Party. They will be educated to become again proudly conscious of their German origin, to stand together in mutual esteem and will be taught to place the German higher than any foreigner, irrespective of state or descent."

It was Hess who signed the Law for Protection of Blood and Honor, one of the Nuremberg decrees of the 15th of September 1935. It is Document Number 3179-PS. It is already in evidence as Exhibit USA-200. It will be remembered that under that decree and under the other Reich Citizenship Law of the same date, it was the Deputy of the Führer who was to issue the necessary decrees and regulations for the carrying out and supplementing of those laws, the Nuremberg Decrees.

On the 14th of November 1935, it was Hess who issued an ordinance under the Reich Citizenship Law which deprived the Jews of the right to vote or to hold public office. That is Document Number 1417-PS and becomes Exhibit Number GB-258.

By a further decree of the 20th of May 1938, those Nuremberg laws were extended to Austria, that law of extension again being signed by this defendant—Document Number 2124-PS, Exhibit Number GB-259.

As I said, those are only a few examples of the decrees and activities of this man in the acquisition of power and consolidation of power in the Nazi Party. There is a document which I will hand up to the Tribunal that perhaps it might add to its document books, and there is a copy in French for the learned French Judge. There are examples in this and other exhibits which I have not mentioned now but which are already before the Tribunal, put in when the case of Bormann was put before the Tribunal, for which, as I have already said, this defendant must take responsibility.

You will see that under various headings—there are one or two German copies and the rest are in English—there are various documents set out under the headings, "Association with the SD and Gestapo"; "Subversion of the Churches"; and again, "The Persecution of the Jews."

I turn then to the part which he played in the actual planning and preparation for aggressive war. We find that as early as in 1932 he was concerned with the rearmament and reorganization of the Air Force. The Tribunal will remember a Document Number 1143-PS, Exhibit USA-40, dated the 20th of October 1932, which showed that a report on the preparation of material and the training of air personnel to provide for the armament of the Air Force was sent to Hess by Rosenberg's chief of staff. That document, for reference, appears on Page 43 of the Tribunal's document book.

That was in 1932. Throughout the years we find him connected with the rearmament of the German Armed Forces. On the 16th of March 1935 it was Hess who signed the decree for the introduction of compulsory military service. On the 11th of October 1936 in a speech that he made, he took up Göring's cry of "Guns before Butter," when he said:

> "We are prepared in the future, too, if need be, at times to eat a little less fat, a little less pork, a few eggs less, since we know that this little sacrifice is a sacrifice on the altar of the freedom of our people. We know that the foreign exchange which we thereby save will benefit our armaments. The phrase still holds good today: 'guns instead of butter.' "

That document is Document Number M-104. It becomes Exhibit Number GB-260, and will be found on Page 14 of the Tribunal's document book.

In May of 1941 he was making a speech at the Messerschmidt Works, of which occasion the Tribunal has already got a photograph before it. It was one of those four photographs we were looking at a moment ago. Then he said:

> "The German soldier must understand that for the uniqueness and abundance of his weapons and his material, he has to thank Adolf Hitler's untiring efforts of many years."

A report of that speech appears in the *Völkischer Beobachter* on the 2d of May 1941. It is Document Number M-105 and becomes Exhibit Number GB-261. It is on Page 15 of the Tribunal's document book.

One of the most important parts that this defendant took in the preparation for aggressive war was his organization of the famous German Fifth Column. He was the responsible person, as Deputy of the Führer, of the Auslands-Organisation of the Party, that is to say, the foreign organization of the Party. A history of that organization, a very brief history, will be found in an American state publication, Document Number 3258-PS. It becomes Exhibit Number GB-262. It is on Page 147 of the document book.

I would only mention now two matters. In October 1933 that organization was placed directly under Hess's control, and a year later it was Hess himself who gave it its present name of the Foreign Organization, (Auslands-Organisation).

For the convenience again of the Tribunal, a chart is set out in the organization book for 1938, which is Document Number 2354-PS, Exhibit Number USA-430, and is on Page 69 of the Tribunal's document book, and I think it is unnecessary to refer to it now in detail.

It had the various offices—civil services offices, cultural offices, press and propaganda offices, labor front offices, and the foreign trade offices, the various offices dealing with the German merchant marine—which afforded, of course, an excellent medium for spreading Nazi propaganda to every port through the world.

The Tribunal has heard a good deal about a somewhat similar organization of Rosenberg, the APA. Very briefly and in a word, I think the distinction between the two can be said to be that the APA was concerned with the enrollment and propaganda for non-Germans, for foreigners, whereas the Auslands-Organisation was concerned with Germans living abroad, who, of course, were to form the basis of Fifth Column activities in future years.

I think the Tribunal will see that there are set out under the heading, "Scope of the Organization's Work," two documents. I think that perhaps it is sufficient to refer to the first of them now, Document Number 3401-PS, which becomes Exhibit Number GB-263 and which the Tribunal will find on Page 173 of that document book.

That is an article from the *Völkischer Beobachter,* which starts off by saying, "National Socialism is a philosophy which takes hold of our fellow Germans and strengthens them in holding fast to the German race and customs," and then goes on to say that the authority for the practical application of that policy and principle is the foreign organization of the NSDAP, which is directly subordinated to the Deputy of the Führer, Hess. I quote the last three lines of that paragraph.

> "The activities of the Auslands-Organisation extend literally round the globe. With full justice there might be displayed over its offices at the Harvestehuderweg in Hamburg the device 'My field is the world.' The Auslands-Organisation under the leadership of Gauleiter Bohle, who is aided by a large staff of experts and qualified coworkers, today includes over 350 Landesgruppen and bases of the NSDAP in all parts of the world. In addition to this it looks after a large number of individual Party members in the most varied places."

My Lord, in view of the time, I will not refer to any further documents about the activity and the scope of that organization. They will be found as set out in the following document, Document Number 3258-PS, which is at Page 150 of the document book. I beg your pardon, that is Exhibit Number GB-262, already in evidence. There is another extract from the British Basic Handbook on Germany, which is in the addendum to the document book. It is not, I think, actually put into the Tribunal's brief. It appears under the Document Number M-122, and becomes Exhibit Number GB-264.

Two of the various other organizations which were run by the Foreign Organization were known as the League for Germans Abroad, the VDA, and the German Eastern League, the BDO.

I would refer the Tribunal to a document which they will find on Page 38 of the document book. It is Document Number 837-PS, which becomes Exhibit Number GF-265. That is a letter, which it will be seen on the next page is signed by Hess, dated 3 February 1939. It is a circular order, "Not for publication." The subject is the League of Germans Abroad and the German Eastern League. I quote from the first paragraph:

> "The director of the agency for racial Germans, SS Gruppenführer Lorenz. . . ."

The agency for racial Germans, which was the Volksdeutsche Mittelstelle, was another similar organization, but one run by Himmler and the SS. All these gentlemen appear to have had their own foreign organizations. No doubt they were all engaged for the same purpose. Himmler's was called the Volksdeutsche Mittelstelle. I quote again:

> "The director for that agency has instigated on my behalf the following new ruling for questions affecting racial work and work in the border country. The League for Germans Abroad, the VDA, is the association responsible for national work beyond the frontiers."

I go down to the last two lines of that paragraph:

> "The VDA is organized into state associations which correspond in area to the Gaue of the NSDAP."

And the first two lines of the next paragraph:

> "The German Eastern League, the BDO, is the association responsible for work in the border country."

I turn to the next page, Paragraph 4 of that letter:

> "The VDA is solely responsible for racial work beyond the frontiers. I hereby forbid the Party, its organizations, and affiliated associations from all racial work abroad. The only competent body for this task is the agency for racial Germans and the VDA as its camouflaged tool. Within the Reich, the VDA, generally speaking, is responsible only for providing the means for racial work beyond the frontiers. In this task VDA must be supported in every way by the Party offices. Any outward appearance of connection with the Party is, however, to be avoided."

Then it goes on to set up the activity of the BDO and in the last paragraph:

> "The activity of the VDA and the BDO is to be supported in every way by the Party offices. The National Socialist

> leaders of both associations will assure energetic co-operation, on their part, in all tasks assigned to them by the NSDAP. Their nature is determined by considerations of foreign policy and the associations must bear this in mind when representing them in public."

Now I come to the activity, therefore, of the Foreign Organization, which as I say, was the basis of the Fifth Column movement when war eventually broke out. I pass, then, to consideration of Hess' part in the preliminary occupations of Austria and Czechoslovakia, which led up to the aggressive wars themselves.

Hess is seen to be participating in the preparations to occupy Austria from the very beginning. In the autumn of 1934 it was he that appointed Reinthaller as leader of the Austrian peasants in the Nazi Party in Austria, after the failure of the July 1934 rising. That has already been given in evidence as Document Number 812-PS, (Exhibit Number USA-61) and the relevant passage was read into the transcript at Page 504 (Volume II, Page 372).

Another document that has already been put in evidence, Document Number 3254-PS (Exhibit Number USA-704), is Seyss-Inquart's statement of the 10th of December 1945, when he mentions that he held meetings with Göring and Hess in 1936.

On the morning that the German troops eventually marched into Austria, the 12th of March 1938, Hess and Himmler, together, were the first of the leaders of the German Government to appear in Vienna; and they were there by midday on that day.

It was Hess who signed the law of the 13th of March, the next day, for the reunion of Austria with the German Reich; and the Tribunal will no doubt remember the occasion, which was described fully by Mr. Alderman, of the shocking celebrations which were held in anniversary of the murder of Dollfuss, the celebrations being held the 24th of July 1938, when the high-light of the occasion was a speech by Hess.

I would refer the Tribunal to a document which appears on Page 165 of the document book, which throws some light on his own words, both on his activity as far as Austria was concerned and also with Czechoslovakia. This was a speech he made on 28 August 1938 at the annual meeting of the Foreign Organization. It is Document Number 3258-PS. It is already in as Exhibit Number GB-262. I quote from the third to last paragraph on Page 165 of the document book:

> "At the close of his talk Rudolf Hess recalls the days, last year, in Stuttgart, when German men and women, German boys and girls in their native costumes appeared here in Stuttgart aglow with enthusiasm for the ideal of greater Germany, passionately moved by National Socialism, but

> nevertheless outwardly 'Volksdeutsche' Germans of foreign citizenship.
>
> " 'Today,' Rudolf Hess continued, 'they also stand openly in our ranks. Proudly and happily they will march in the formation of the National Socialist movement past their Führer in Nuremberg, this time with German citizens. With all our hearts we rejoice as we see them. They have fought a long and tough battle, a battle against a treacherous and mendacious enemy.' "—and so on.

And then on the next page, Number 166, where he turns to discuss the struggle of the Sudeten German:

> "The German people look at the German racial comrades in Czechoslovakia with the profoundest sympathy for their suffering. No one in the world who loves his own people and is proud of his own people will find fault with us if from this place here we also turn our thoughts to the Sudeten German. If we say to them that, filled with admiration, we see how they are maintaining an iron discipline, despite the worst chicanery, despite terror and murder. If it had, in general, required a proof..."

I don't think, perhaps, it is necessary for me to read any more of that document; but it shows, as I say, his interest in Czechoslovakia; and by Document Number 3061-PS, which has already been put in as Exhibit Number USA-126, it has been shown that during the summer of 1938—that speech was made in August 1938—during the whole of that summer continuous conversations were being held between Henlein and Hitler, Hess, and Ribbentrop, informing the Reich Government of the general situation in Czechoslovakia. That document has been read into the Record; but, if anything condemns Hess as participating in this action, it is a letter dated the 27th of September 1938, which was a letter, it will be remembered, that the Tribunal has had before it. It was written by Keitel to Hess, asking for the Party's participation in the secret mobilization, which was intended to take place without even issuing the code word for mobilization. It was on the 27th of September 1938 that that letter was written. It is Document Number 388-PS and has been put in as Exhibit Number USA-26, and it appears on Page 30 of the Tribunal's document book.

I would refer the Tribunal to one short document on Page 120 of the document book, on which begins another speech by the defendant, a speech he made on the 7th of November 1938 on the occasion of the initiation of the Sudeten German Party into the NSDAP.

> "If we have had to defend our rights, then they would have really got to know us, we, the National Socialist Germans.

> The Führer"—Rudolf Hess declared amidst the ringing cheers of the masses—"learned his lessons. He armed at a speed that no one would have believed possible. When the Führer has gained the power and, especially since the Führer has awakened the resolution of the German people to put their strength behind their rights, then Germany's right will be conceded!"

One might wonder what all those rights were at that time, November 1938, when already Hitler had said on the 26th of September that he had no more territorial demands, at any rate, to make in Europe.

I turn then to some fragment of evidence of the part he played in the waging of aggressive war against Poland. On Page 16 of the document book there is a report of a speech that he made on the 27th of August 1939, which shows at least that he was taking part in the official propaganda that was being thrown at the world in those days, two days before the war was declared. I quote from the second paragraph:

> "Rudolf Hess, constantly interrupted with strong applause from the German citizens living abroad as well as fellow countrymen from the District of Styria, stressed the unexampled forbearance shown by Germany towards Poland in the magnanimous offer of the Führer that had assured peace between Germany and Poland—an offer that Mr. Chamberlain seems to have forgotten, for he says he has heard nothing of Germany's having tried to solve certain acute present-day questions by peaceful discussion. What else was the German offer then, if it was not such an attempt?"

Then he goes on to accuse Poland of agitating for war, Poland's lack of responsibility and so on. In view of the time, I shall quote no more of that. The Document Number M-107 is in evidence and it becomes Exhibit Number GB-266.

After the conquest of Poland, it was Hess that signed the decree incorporating Danzig into the Reich, the decree of the 1st of September 1939, a decree incorporating Polish territories into the Reich on the 8th of October 1939 and on the 12th of October 1939, a decree of Polish territory, in which it was stated that regulations were to be made for the planning of German Lebensraum and economic scope. Those are all decrees in the *Reichsgesetzblatt*. I regret that the last two that I mentioned are not actually included in the Tribunal's document book, but the effect of them is set out in the trial brief. That, in view of the evidence that has been given as to his Fifth Column organization, is all that I propose to offer in respect to Poland. It must be clear that my submission will be that he was deeply involved both in the planning and in the preparation for aggressive war.

I turn to an example of his participation in War Crimes and Crimes against Humanity and would refer only to two documents; one appears as set out on Page 18 of the trial brief, Document Number 3245-PS, which becomes Exhibit Number GB-267. It was an order issued by Hess through the Party Chancellery demanding support from the Party for recruiting members for the Waffen-SS; and one paragraph, which is set out in the trial brief, I quote:

> "The units of the Waffen-SS, consisting of National Socialists, are more suitable than other armed units for the specific tasks to be solved in the Occupied Eastern Territories due to their intensive National Socialist training in regard to questions of race and nationality."

But, in view of what was happening and what was going to happen in the Occupied Eastern Territories because of the Waffen-SS, we haven't, I know, forgotten the part they played in the destruction of the Warsaw Ghetto. I suggest that the inference that can be drawn from that letter is damning.

There is one further document. That document will be found on Page 121 of the Tribunal's document book. The other document that I would refer to in this respect is Document Number R-96, which becomes Exhibit Number GB-268, and again that will be found on Page 175 of the document book. It is a letter written by the Reich Minister of Justice to the Chief of the Reich Chancellery on the 17th of April 1941, and it is discussing proposed penal laws for Jews and Poles in the Occupied Eastern Territories. It shows quite clearly that Hess has been involved in discussions on this subject because it refers to certain proposals that he, himself, has made. My Lord, I would venture to draw the attention of the Tribunal to one or two passages. I quote from the beginning of that letter on Page 175:

> "It has been my opinion from the outset that special conditions prevailing in the annexed eastern territories require special measures of penal law and penal procedure against Poles and Jews."

And then I go on to the second paragraph, the first two lines:

> "The aim to create a special law for Poles and Jews in the eastern territories was pursued further according to plan by the ordinance dated 6 June 1940. By this ordinance German penal law, which had been used in the eastern territories already from the outset was formally made applicable."

There I skip three lines.

> "The procedure for enforcing a prosecution has been abrogated for it seems intolerable that Poles or Jews should be able to force the German public prosecutor to launch an accusation. Poles and Jews have also been deprived of the right to prosecute in their own names or join the public prosecutor in an

action. In addition to this special law in the sphere of procedure, some special conditions have been included in Article 2 of the introductory ordinance. These provisions were established in agreement with the Reich Minister of the Interior by reason of requirements which had arisen. From the beginning it was intended to augment the special conditions in case of need. This need, which had become apparent in the meantime, should be met by an executive and supplementary order to be added to the original ordinance and which was referred to in the letter from the Deputy of the Führer. . . . "

I turn to the next page, top of the page:

"After I was informed of the express wish of the Führer that, as a matter of principle, Poles and presumably the Jews, too, are to be treated differently from the Germans within this sphere of penal law, after preliminary discussions,"—*et cetera*,—"I draw up the enclosed draft concerning criminal law and procedure against Poles and Jews. . . . "

I skip to the next paragraph:

"The draft represents altogether special law, both in the sphere of penal law and penal procedure. The suggestions of the Deputy of the Führer have been taken into consideration to a far reaching extent. Number 1, Paragraph 3, contains a general crime formula on the basis of which any Pole or Jew in the eastern territory can in future be prosecuted and any kind of punishment can be inflicted on him for any attitude or action which is considered punishable and is directed against Germans."

Then I go on to the next paragraph:

"In accordance with the opinion of the Deputy of the Führer, I started from the point of view that the Pole is less susceptible to the infliction of ordinary imprisonment."

And a few lines further down:

"Under these new kinds of punishment prisoners are to be lodged outside prisons in camps and are to be forced to do heavy and heaviest labor."

I go to the next page, second paragraph:

"The introduction of corporal punishment, and that is either as penal punishment or as disciplinary measure, which the Deputy of the Führer has brought up for discussion, has not been included in the draft. I cannot agree to this type of punishment because its infliction does not, in my opinion, correspond to the cultural level of the German people."

My Lord, as I said, the purpose of that document is to show that the Deputy of the Führer was well aware of what was going on in the Eastern Occupied Territories and indeed was advocating even stronger measures than the Reich Minister of Justice was prepared to accept.

I turn then to give such evidence as I can upon the flight of the Defendant Hess to England on the 10th of May 1941.

On that evening he landed in Scotland, within 12 miles of the home of the Duke of Hamilton; and on landing he at once asked to be taken to the Duke of Hamilton, whom he wanted to see. He gave a false name and was shut up; and on the following day, the 11th of May, he had an interview with the Duke of Hamilton, a report of which is set out in the addendum to the document book, if the Tribunal would now turn to the small addendum to the document book.

THE PRESIDENT: Has this been put in evidence yet or not?

LT. COL. GRIFFITH-JONES: My Lord, I am putting it in evidence.

THE PRESIDENT: Is it properly authenticated?

LT. COL. GRIFFITH-JONES: It is authenticated, and the original is certified as being a government report from the files of the Foreign Office in London. There are four reports altogether, which come from the Foreign Office file and which have been certified as reports from the Foreign Office.

The first one that I would refer to is Document Number M-116, which becomes Exhibit Number GB-269 and which is a report on the interview that he had with the Duke of Hamilton on the 11th of May 1941. I can summarize most of the contents of that report by saying that he introduced himself as Hess. He said that he had met the Duke of Hamilton at the Olympic Games in 1936, and that his old friend, Haushofer, under whom he studied at Munich University after the last war, had suggested that he, Hess, should make contact with the Duke of Hamilton.

And he said that, in order to do so, he had already tried to fly three times before, the first time being in December of 1940, the previous year. The reasons he then gave for his visit will be found on the second page of that document. I quote from the end of the fourth line.

I beg your pardon. Perhaps I ought to say really before that, he said that he had said, earlier in the interview, that Germany was willing to have peace with England; she was certain to win the war; and he himself was anxious to stop the unnecessary slaughter that would otherwise inevitably take place.

> "He asked me if I could get together leading members of my party to talk over things with a view to making peace proposals. I replied that there was now only one party in this country. He then said he could tell me what Hitler's peace

> terms would be. First, he would insist on an arrangement whereby our two countries would never go to war again. I questioned him as to how that arrangement could be brought about; and he replied that one of the conditions, of course, is that Britain would give up her traditional policy of always opposing the strongest power in Europe."

I think I need really read no more of that document, because he enlarges upon those proposals in the subsequent interviews that he had on the 13th, 14th, and 15th of May with Mr. Kirkpatrick of the Foreign Office.

I turn to Document Number M-117, which becomes Exhibit Number GB-270, which is another official report of the interview with Mr. Kirkpatrick on the 13th of May. Again I can summarize practically all of it.

He started off by explaining the chain of circumstances which led up to his present situation, which really involved a history of Europe from the end of the last war up to that time. He dealt with Austria, Czechoslovakia, Poland, Norway, saying in each case that Germany was justified and it was all England's and France's fault that they had had to get in it. He blamed England entirely for starting the war. He did say—and I quote one line which is of interest, dealing with Munich—he said: "The intervention of Mr. Chamberlain . . . "

THE PRESIDENT: *[Interposing.]* Where are you reading?

LT. COL. GRIFFITH-JONES: I am reading from the fifth paragraph, my Lord. It starts off:

> "The Czechoslovakian crisis was caused by the French determination, expressed by the French Air Ministry, to make Czechoslovakia an air base against Germany. It was Hitler's duty to scotch this plot. The intervention of Mr. Chamberlain and the Munich conference had been a source of great relief to Hitler."

If one remembers somewhere having heard in the course of this case, Hitler saying that he had of course no intention of abiding by that agreement at all, that that would never do . . .

I go on with that document. He then says that Germany must win the war. He says that the bombing of England had only just started and only just started with the greatest reluctance. As he puts it at the top of Page 2, the German production of U-boats was enormous. They had enormous raw material resources in occupied territory, and the confidence in Hitler and in final victory in Germany was complete; and that there was no kind of hope for any revolution among the German people.

He gave his reasons for his flight, his personal reasons again, that he was horrified at the prospect of a long war. England could not win, and therefore she had better make peace now. He said the Führer entertained no designs against England. He had no idea of world domination, and he would greatly regret the collapse of the British Empire.

I quote from the last three lines of the large paragraph in the center of the page:

> "At this point Hess tried to make my flesh creep by emphasizing that the avaricious Americans had fell designs upon the Empire. Canada would certainly be incorporated into the United States.
>
> "Reverting to Hitler's attitude, he said that only as recently as May 3rd, after his Reichstag speech, Hitler had declared to him that he had no oppressive demands to make of England.
>
> "The solution which Herr Hess proposed was that England should give Germany a free hand in Europe, and Germany would give England a completely free hand in the Empire, with the sole reservation that we should return Germany's ex-colonies, which she required as a source of raw materials. I asked, in order to draw him on the subject of Hitler's attitude to Russia, whether he included Russia in Europe or in Asia. He replied, 'In Asia'. I then retorted that under the terms of his proposal, since Germany would only have a free hand in Europe, she would not be at liberty to attack Russia. Herr Hess reacted quickly by remarking that Germany had certain demands to make of Russia which would have to be satisfied either by negotiation or as the result of a war. He added, however, that there was no foundation for the rumors now being spread that Hitler was contemplating an early attack on Russia.
>
> "I then asked about Italian aims and he said that he did not know. I replied that it was a matter of some importance. He brushed this aside and said that he was sure that Italy's claims would not be excessive. I suggested that Italy scarcely deserved anything, but he begged to differ. Italy had rendered considerable services to Germany; and, besides, England had compensated defeated nations like Romania after the last war.
>
> "Finally, as we were leaving the room, Herr Hess delivered a parting shot. He had forgotten, he declared, to emphasize that the proposal could only be considered on the understanding that it was negotiated by Germany with an English Government other than the present British Government. Mr. Churchill, who had planned the war since 1936, and his colleagues, who had lent themselves to his war policy, were not persons with whom the Führer could negotiate."

My Lord, presumably when he came over he was not attempting to be funny. One can only conclude from these reports that at that time the people in Germany and the German Government really had no kind of idea of what the conditions in England were like at all; but throughout it appears that this man thought England was ruled by Churchill and a small war-mongering gang. It only needed him to come over and make a peace proposal for Churchill to be turned out in the course of two or three days.

I go on, then, to the next document, My Lord. I am afraid that it is now half past five. I have only the other reports and one further document to refer the Tribunal to.

THE PRESIDENT: I think you had better go on. We will finish tonight.

LT. COL. GRIFFITH-JONES: I am sorry it has taken so long. I go on to the next interview of the 14th of May, which is Document Number M-118 and becomes Exhibit Number GB-271.

He started off that interview by making certain complaints about the treatment, asking for a number of things, including *Three Men in a Boat,* the book which perhaps is one of the few signs that any of these defendants have shown any kind of culture or normal feelings at all.

He described his flight to England, and then I quote from the third paragraph:

> "He then passed to political questions. He said that, on reflection, he had omitted to explain that there were two further conditions attached to his peace proposals. First, Germany could not leave Iraq in the lurch. The Iraquis had fought for Germany and Germany would, therefore, have to require us to evacuate Iraq. I observed that this was going considerably beyond the original proposal that German interests should be confined to Europe, but he retorted that, taken as a whole, his proposals were more than fair. The second condition was that the peace agreement should contain a provision for the reciprocal indemnification of British and German nationals, whose property had been expropriated as the result of war.
>
> "Herr Hess concluded by saying that he wished to impress on us that Germany must win the war by blockade. We had no conception of the number of submarines now building in Germany. Hitler always did things on a grand scale and devastating submarine war, supported by new types of aircraft, would very shortly succeed in establishing a completely effective blockade of England. It was fruitless for anyone here to imagine that England could capitulate and that the war could be waged from the Empire. It was Hitler's intention,

> in such an eventuality, to continue the blockade of England, even though the island had capitulated, so that we would have to face the deliberate starvation of the population of these islands."

I think I can leave then that interview. Nothing more was added and I turn to the next document, Document Number M-119, which becomes Exhibit Number GB-272 and which is the report of the interview of the 15th of May, the third and last interview with Mr. Kirkpatrick. I quote from the third paragraph and then there was some mention of Iraq at the beginning of the interview and then Mr. Kirkpatrick writes:

> "I then threw a fly over him about Ireland. He said that in all his talks with Hitler, the subject of Ireland had never been mentioned except incidentally. Ireland had done nothing for Germany in this war and it was therefore to be supposed that Hitler would not concern himself in Anglo-Irish relations. We had some little conversation about the difficulty of reconciling the wishes of the South and North and from this we pass to American interest in Ireland, and so to America.
>
> "On the subject of America, Hess took the following line.
>
> "1. The Germans reckoned with American intervention and were not afraid of it. They knew all about American aircraft production and the quality of the aircraft. Germany could outbuild England and America combined.
>
> "2. Germany had no designs on America. The so-called German peril was a ludicrous figment of imagination. Hitler's interests were European.
>
> "3. If we made peace now, America would be furious. America really wanted to inhabit the British Empire.
>
> "Hess concluded by saying that Hitler really wanted a permanent understanding with us on a basis which preserved the Empire intact. His own flight was intended to give us a chance of opening conversations without loss of prestige. If we reject this chance, it would be clear proof that we desired no understanding with Germany and Hitler would be entitled—in fact it would be his duty—to destroy us utterly and to keep us after the war in a state of permanent subjection."

My Lord, those reports show the substance and indeed the whole substance of the visit. His humanitarian reasons for coming, which sounded so well on the 10th or between the 10th and 15th of May, took on quite a different light when barely a little more than a month later Germany attacked the Soviet Union.

One cannot help remembering an exact parallel between this business and that which took place before Germany attacked Poland.

when every effort was made to keep England out of the war and so let her fight her battle on one front only. Here the same thing appears to be happening; and what is more, we have it from himself in the course of those interviews that, at that time, Germany had no intentions of attacking Russia immediately at all. But that must be untrue, because it will be remembered and the evidence is set out in the trial brief, that so far back as November 1940 plans were being made, initial plans, for the invasion of Russia.

On the 18th of December 1940 a directive ordered preparations to be completed by the 15th of May 1941. On the 3rd of April 1941 orders were given delaying the "Case Barbarossa" for 5 weeks; and on the 30th of April 1941, 10 days before he arrived in England, D-Day was actually fixed for the invasion of Russia for the 22d of June.

Well now, in my submission, nobody who held the position that this defendant did at that time—in charge of the foreign organization, Deputy to the Führer, having been made designate successor Number 2 only a year ago—never in that position could he have been kept in ignorance of those preparations and of those plans.

My Lord, my submission, therefore, is that the only reason he came to England was not humanitarian at all, but purely, as I say, to allow Germany to fight her battle against Russia on one front only.

There is—and I hesitate to refer the Tribunal to any other document—but there is one document, which is a document of extreme interest from many points of view and has only just come to light. I did ask that it should be put in at the back of the Tribunal's document book; but if it has not been, I have some spare copies which perhaps the clerk may now hand out.

It is Document Number 1866-PS, which becomes Exhibit Number GB-273, and it is an account of conversations between Ribbentrop and Mussolini and Ciano on the 13th of May 1941, signed by Schmidt.

It carries the question very little further, but of course the question has existed, and still does exist—the question, of course, as to whether or not the flight to England was undertaken with the knowledge and approval of Hitler, or any other members of the Government, or on his own initiative and in complete secrecy. He himself has always maintained that he did it secretly. On the other hand, it is difficult to see how he could have been planning it and practicing it for months before and having tried three times before, without anybody knowing.

This account of the conversations with the Italians casts little further light on it; but it does show anyway what Ribbentrop is saying to the Italians, their allies, three days later. I would ask the Tribunal to look at and read the first page of this document, and the paragraph of the next page:

"To begin with, the Reich Foreign Minister conveyed the Führer's greetings to the Duce.

"He would shortly propose to the Duce a date for the planned meeting, which he would like to take place as soon as possible. As the place for the meeting he would probably prefer the Brenner. At the present moment he was, as the Duce could well understand, still busy with the Hess affair and with a few military matters.

"The Duce replied that he would agree with all the Führer's proposals..."—and so on.

"The Reich Foreign Minister then said that the Führer had sent him to the Duce in order to inform him about the Hess affair and the conversations with Admiral Darlan. With regard to Hess's affair he remarked that the Führer and his staff had been completely taken aback by Hess's action and that it had been the deed of a lunatic.

"Hess had been suffering for a long time from bilious attacks and had fallen into the hands of magnetists and nature-cure doctors who caused his state of health to become worse.

"All these matters were being investigated at the moment, as well as the responsibility of the aides-de-camp who had known about Hess's forbidden flights. Hess had for weeks carried out secret practice flights in an ME-110. Naturally he had acted only from idealistic motives. Disloyalty towards the Führer was utterly out of the question. His conduct had to be explained by a kind of abstractness and a state of mind caused by his illness."

And it goes on, and the gist of it really is that Ribbentrop is emphasizing again that it was done without the authority of Hitler or without the knowledge of anybody else in Germany. I say he does not carry...

THE PRESIDENT: Can't you read the beginning of the next paragraph?

LT. COL. GRIFFITH-JONES: "Being sympathetically inclined towards England, he had conceived the crazy idea of using Great Britain's fascist circles to persuade the British to give in. He had explained all this in a long and confused letter to the Führer. When this letter reached the Führer, Hess was already in England. It was hoped in Germany that he would perhaps meet with an accident on the way, but he was now really in England and had tried to contact the former Marquis of Clydesdale, the present Duke of Hamilton. Hess quite wrongly considered him as a great friend of Germany and had flown to the neighborhood of his castle in Scotland."

THE PRESIDENT: Thank you very much.

LT. COL. GRIFFITH-JONES: That is what Ribbentrop is saying to Mussolini. Ribbentrop, we know, is a liar, and indeed what he said later on in an interview proves it, and I would refer to Page 5—or rather to the bottom of Page 4—if the Tribunal would bear with me while I read that, because it would have been put in previously during this trial had this document been known of. And as I am putting it in now, perhaps I might be allowed to read this one paragraph which really concerns the Defendant Ribbentrop.

> "The Duce returned to his remark concerning the united front of Europe against England and the two countries, Spain and Russia, that were absent from it, with the remark that to him it seemed that it would be advantageous if a policy of collaboration with Russia could be carried out. He asked the Reich Foreign Minister whether Germany excluded such a possibility, that is, collaboration with Russia. The Reich Foreign Minister replied that Germany had treaties with Russia and that the relations between the two countries were, by the way, correct. He personally did not believe that Stalin would undertake anything against Germany, but should he do so, or should he follow a policy that was intolerable to Germany, then he would be destroyed within three months. The Duce agreed to this. The Führer would certainly not look for any quarrel, but he had nevertheless taken precautions"—this is again, I think, Ribbentrop speaking—"The Führer would certainly not look for any quarrel, but he had nevertheless taken precautions for all eventualities. He had in no way come to any decision, but as a result of certain occurrences and want of clearness on the Russian side, he had become suspicious. Thus for example, the Russians had strengthened their forces along their western frontier, which of course, caused Germany to reinforce her troops too, but only after the Russians started it."

It really must have been a remarkable position in the German Government if undoubtedly the Führer and the foreign secretary knew on the 13th of May 1941 that Germany was going to attack Russia a month later.

My Lord, that is the evidence which I have to present to the Tribunal on this matter. I regret that this should have taken so long. I am grateful to Your Honors for your patience.

[The Tribunal adjourned until 8 February 1946 at 1000 hours.]

FIFTY-FOURTH DAY

Friday, 8 February 1946

Morning Session

THE PRESIDENT: I call on General Rudenko for the Soviet Union.

GENERAL R. A. RUDENKO (Chief Prosecutor for the U.S.S.R.): May it please Your Honors, on delivering my opening statement, the last to be made at this Trial by the chief prosecutors, I am fully conscious of the supreme historical importance of these proceedings.

For the first time in the history of mankind is justice confronted with crimes committed on so vast a scale, with crimes which have entailed such grave consequences. It is for the first time that criminals who have seized an entire state and made this state an instrument of their monstrous crimes appear before a court of justice.

It is also for the first time that, by judging these defendants, we sit in judgment not only on the defendants themselves, but also on the criminal institutions and organizations which they created and on the inhuman theories and ideas which they promulgated with a view to committing crimes against peace and humanity, crimes which were designed by them far in advance of their perpetration.

Nine months ago, after having tortured for a number of years of bloody warfare the freedom-loving nations of Europe, Hitlerite Germany collapsed under the hammer blows of the combined armed forces of the Anglo-Soviet-American coalition. On 8 May 1945 Hitlerite Germany was compelled to lay down her arms, having suffered a military and political defeat hitherto unequalled in history.

Hitlerism imposed upon the world a war which caused the freedom-loving nations innumerable privations and endless sufferings. Millions of people fell victims of the war initiated by the Hitlerite brigands who embarked on a dream of conquering the free peoples of the democratic countries and of establishing the rule of Hitlerite tyranny in Europe and in the entire world.

Note — Because citations were not required by the Tribunal for documents quoted in the opening address of the Russian Prosecution it has been impossible to verify the wording against the text of the original documents. In the presentation of 8 February many of the quotations from documents originally in the German and English languages have been translated into Russian and then translated again into English for the record of the Trial. For this publication these retranslations have been used in some instances.

The day has come when the peoples of the world demand a just retribution and a severe punishment of the Hitlerite hangmen, when they demand severe punishment of the criminals.

All the outrages individually or jointly committed by the major Hitlerite war criminals, all together and each one individually, will be considered by you, Your Honors, with all the thoroughness and attention which the law, the Charter of the International Military Tribunal, justice, and our conscience require.

We charge the defendants with the initiation, instigation, and direct execution, individually and through their agents, of the criminal plan of conspiracy. To the execution of this plan was committed the entire machinery of the Hitlerite State with all its governmental agencies and institutions, with its army, police, the so-called public agencies, as set out in the Indictment and particularly in Appendix B.

Before entering upon the examination of the concrete events and facts which lie at the foundation of the charges raised against the defendants, I think it necessary to dwell on certain general legal questions connected with the proceedings. This is indispensable, because the present Trial is the first one in history where justice is being done by an agency of an international legal system—the International Military Tribunal. This also becomes necessary, since special consideration was given to questions of law in both the written and oral motions made before the Tribunal,

The first and the most general legal problem which, in my opinion, has to be considered by the Tribunal is the problem of legality. Contrary to the system of fascist tyranny and arbitrary fascist practices, the great democracies which have established this Tribunal, as well as all democracies throughout the world, exist and act on a firm legal basis. But neither the concrete law nor the concept of law can be identical in the national and in the international meaning of these terms. *Lex* in its meaning in national law is an act of legislative power of a state, clothed in a proper form. In its meaning in international law it is different. In the international field there never existed, nor now exist, any legislative bodies which are competent to pass laws which are binding on individual states. The legal system of international relations, which include those relations which are manifested in the co-ordinated effort to combat criminality, is based on different legal principles. In the international field the basic source of law and the only legislative act is a treaty, an agreement between states. Accordingly, just as duly promulgated laws passed by legislative bodies and properly published are an absolute and sufficient legal basis for the administration of national justice, so in the international field an international treaty is an absolute and sufficient legal basis for the implementation and the activity of agencies of international justice created by the signatories.

The International Military Tribunal was established for the trial and punishment of major war criminals on the basis of the London Agreement, dated 8 August 1945, signed by the four countries acting in the interests of all freedom-loving nations. Being an integral part of this agreement, the Charter of the International Military Tribunal is to be considered an unquestionable and sufficient legislative act, defining and determining the basis and the procedure for the trial and punishment of major war criminals. Provoked by fear of responsibility or, at best, by insufficient knowledge of the organic nature of international justice, the references to the principle *nullum crimen sine lege,* or to the principle that "a statute cannot have retroactive power," are not applicable because of the following fundamental, decisive fact: The Charter of the Tribunal is in force and in operation and all its provisions possess absolute and binding force.

Pursuant to Article 6 of the Charter, the defendants are charged with Crimes against Peace, crimes committed in violation of rules and customs of war, and Crimes against Humanity. We must state with great satisfaction that in placing on such actions the stigma of criminality the Charter of the Tribunal has reduced to rules of law those international principles and ideas which for many years have been set forth in the defense of law and justice in the field of international relations.

First of all—criminal aggression. For a number of decades nations interested in strengthening the cause of peace have proclaimed and advocated the idea that aggression constitutes the gravest encroachment on the peaceful relations between nations, a most serious international crime. These hopes and demands on the part of nations found their expression in a series of acts and documents which officially recognized aggression as an international crime.

On 27 August 1928 the Kellogg-Briand Pact was signed in Paris:

> "Persuaded"—proclaimed the agreement—"that the time has come when a frank renunciation of war as an instrument of national policy should be made... convinced that all changes in their relations with one another should be sought only by pacific means... the High Contracting Parties solemnly declare in the names of their respective peoples that they condemn recourse to war for the solution of international controversies, and renounce it as an instrument of national policy in their relations with one another."

In 1929—a year after the signing of the Paris Pact—at the Congress of the International Association of Criminal Law at Bucharest a resolution was passed which squarely raised the question of criminal responsibility for aggression. "Whereas war has been outlawed by the Paris Pact of 1928, and acknowledging the necessity of securing international order and harmony by means of effective sanctions..." the Congress considered imperative "the establishment of an international penal judicial system" as well as of the principle of criminal responsibility of states and single individuals for acts of aggression.

Thus long ago was proclaimed the principle of penal responsibility for criminal aggression, the principle which found its clear legal expression in Subparagraph (a) of Article 6 of the Charter of the International Military Tribunal.

Consequently, the fascist aggressors, the defendants, knew that by their predatory attacks on other countries they committed the gravest Crimes against Peace. They knew it, and they know it now, and that is the reason why they attempted and are now attempting to camouflage their criminal aggression with lies about defense.

Furthermore, it has been repeatedly and authoritatively declared that violations of laws and customs of war established by international conventions must entail criminal responsibility.

In this connection it is necessary to note that the gravest outrages in violation of laws and customs of war committed by the Hitlerites—murder, violence, arson, and plunder—are considered punishable criminal acts by all criminal codes throughout the world. Moreover, the international conventions signed especially for the purpose of establishing laws and rules of war stipulate criminal responsibility for violation of these laws and rules. Thus Article 56 of the Hague Convention in 1907 declares:

> "The property of municipalities, that of institutions dedicated to religion, charity and education, the arts, and sciences, even when state property, shall be treated as private property. All seizure of, destruction, or willful damage done to institutions of this character, historic monuments, works of art and science, is forbidden, and shall be made the subject of legal proceedings."

Thus, the Hague Convention not only forbids the violation of rules of war, but also stipulates that these violations "should be made the subject of legal proceedings", that is, must entail criminal responsibility.

Article 29 of the 1929 Geneva Convention states with still greater precision that:

> "The Governments of the High Contracting Parties whose penal laws may not be adequate shall likewise take or recommend to their legislatures the necessary measures to repress

> in time of war all acts in contravention of the provisions of the present convention."

Finally, the principle of criminal responsibility for all acts in violation of the laws and customs of war is expressed with the utmost precision in Article 3 of the provisions of the Washington Conference for the Reduction of Armaments and for the Pacific and Far Eastern Problems, which states that:

> "The Contracting Powers, wishing to ensure the execution of promulgated laws... declare that any person in the service of any power who violates one of these rules, and independently of the fact whether he is subordinated to an official personality or not, will be considered a transgressor of the laws of war and will be liable to be tried by civilian or military authorities."

Consequently, according to the directives of the Hague and Geneva Conventions and according to the provisions of the Washington Conference, the enforcing of criminal responsibility for the violation of the laws and customs of war is not only possible, but is actually compulsory.

Thus, Subparagraph (b) of Article 6 of the Charter of the International Military Tribunal, concerning War Crimes, defined with greater precision and generalized the principles and rules contained in the international conventions previously signed.

The defendants knew that cynical mockery of the laws and customs of war constituted the gravest of crimes. They knew it, but they hoped that total war, by securing victory, would also secure their impunity. But victory did not arrive on the heels of the crimes. Instead came the complete and unconditional surrender of Germany, and with it came an hour of grim reckoning for all the outrages they had committed.

I myself, speaking on behalf of the Soviet Union, and my honored colleagues, the chief prosecutors of the United States of America, England, and France, we all accuse the defendants of having ruled over the entire German State and war machine through a criminal conspiracy and of turning the machinery of the German State into a mechanism for the preparation and prosecution of criminal aggression, into a mechanism for the extermination of millions of innocent people.

When several criminals conspire to commit a murder, every one of them plays a definite part. One works out the plan of murder, another waits in the car, and the third actually fires at the victim. But whatever may be the part played by any individual participant, they all are murderers and any court of law in any country will reject any attempts to assert that the first two should not be considered murderers, since they themselves had not fired the bullet.

The more complicated and hazardous the conceived crime, the more complicated and less tangible the links connecting the individual participants. When a gang of bandits commits an assault, responsibility for the raid is also shared by those members of the gang who did not actually take part in the assault. But when the size of the gang attains extraordinary proportions, when the gang happens to be at the helm of the ship of state, when the gang commits numerous and very grave international crimes, then of course, the ties and mutual relations among the members of the gang become entangled to the utmost. A highly ramified mechanism is here at work. It consisted of a whole system of links and blocks, (Zellenleiter, Blockleiter, Gauleiter, Reichsleiter, *et cetera)* extending from ministerial chairs to the hands of the executioners.

This is a consolidated and powerful mechanism, yet it is powerless to conceal the basic and decisive fact that at the core of the entire system operated a gang of conspirators who were setting in motion the whole organization which they had created.

When entire regions of flourishing countryside were turned into desert areas, and the soil was drenched with the blood of those executed, it was the work of their hands, of their organization, their instigation, their leadership. And just because the masses of the German people were made to participate in these outrages, because, prior to setting packs of dogs and executioners on millions of innocent people, the defendants for years had poisoned the conscience and the mind of an entire generation of Germans by developing in them the conceit of "the chosen," the morals of cannibals, and the greed of burglars, can it be said on account of these facts that the guilt of the Hitlerite conspirators is any less great or any less grave?

Expressing the will of nations, the Charter of the International Military Tribunal has settled this question:

> "Leaders, organizers, instigators, and accomplices participating in the formulation or execution of a Common Plan or Conspiracy"—against peace, against the laws and customs of warfare, or against humanity—"to commit any of the foregoing crimes are responsible for all acts performed by any person in execution of such plan." (Article 6)

For the purpose of successful execution of their criminal plans these conspirators—Göring, Hess, Rosenberg, Fritzsche, Schirach, and the other defendants—developed a fiendish theory of the superior or master race. By means of this so-called theory they had in mind to justify the claims of German fascism for the domination of other nations which were declared by their theory to be nations of inferior race.

It followed from this theory that Germans, since they belonged to the "master race," have the "right" to build their own welfare on the bones of other races and nations. This theory proclaimed that German fascist usurpers are not bound by any laws or commonly accepted rules of human morality. The "master race" is permitted to do anything. No matter how revolting and shameless, cruel, and monstrous were the actions of those individuals, they were based on the idea of the superiority of this race.

Said Hitler:

> "We want to make a selection for a class of new masters who will be devoid of moral pity, a class which will realize that because of its better race it has the right to dominate others, a class that will be able to establish and maintain without hesitation its domination over the masses." (Otwalt, Ernst, *Deutschland erwache!*, 1932, Page 353.)

This German fascist racial theory had at the same time to serve as a "scientific" basis for the preparation by the Hitlerites of an attack against democratic nations, as a justification for aggressive wars for which the Hitlerites made feverish preparation during the whole time of their domination of Germany. In such manner, the function of racism was to justify the conspiracy—to fulfill the predatory aims of the German imperialistic clique.

By order of the German fascist authorities, the racial doctrine was introduced into the educational plans as a most important and obligatory subject. In the hands of German fascism, the schools and universities became dangerous centers for the intellectual and moral mutilation of the people and, as such, the greatest menace to civilization. All branches of science were militarized. All aspects of art were subjected to the aims of aggression.

> "We approach science unbiased by knowledge and scholarly education."—declared the fascist review *Politische Wissenschaft,* Number 3 for 1934—"The student must come to college with the demand that science be as soldierly as his own bearing and that the professor possess the qualities of a leader and the bearing of a soldier."

> "We want arms again!"—said Hitler—"Then indeed from the child's primer to the last newspaper, every theater and every movie house, every advertising pillar and every billboard—all must be pressed into the service of this one great mission. . . ." (Hitler, Adolf, *Mein Kampf,* Munich, 1933, Page 715.)

Geography became the instrument for propagating the "preeminent importance of the Germans in the world," of their "right to dominate" other peoples. A feeling of racial superiority, arrogance, hatred, contempt, and cruelty toward other peoples was cultivated in the young.

These are the words of a German fascist song:

"If all the world lies in ruins,
"What the devil do we care?
"We still will go marching on
"For today Germany belongs to us
"And tomorrow the whole world."

The German fascist ideology set loose the wildest and lowest instincts. The fascists made a principle of arbitrary actions, violence, and debasement of the people. They declared as dangerous for the "master races" the ideas of freedom, the ideas of enlightenment, and the demands of humanity. Said Hitler:

> "I am freeing men from the wearisome restrictions of the mind, from the dirty and degrading self-mortifications of a chimera called conscience and morality, and from the demands of a freedom and personal independence which a very few enjoy." (Rauschning, Hermann, *The Voice of Destruction*, New York, 1940, Page 225.)

In the spirit of such principles the entire German fascist system of education was built up with a view to adapting and preparing them to a blind obedience in the execution of all predatory plans and aims put before Germany by the Hitlerite rulers. As a result of fascist propaganda and the whole system of measures cultivated by the German State, the German mind was systematically poisoned by the fumes of chauvinism and hatred of mankind. The aggressive plans of German fascism ripened more and more with every year since the Hitlerites' seizure of power until at last they led to war. This war was planned, worked out and started by the Hitlerites' Germany as Blitzkrieg and should, according to the schemes of the conspirators, have resulted in a rapid and easy victory for the gang of Hitlerite cut-throats and in their domination over all the countries in Europe.

The criminal conspiracy aimed at the establishment of a predatory New Order in Europe. This New Order was a regime of terror by which, in the countries seized by the Hitlerites, all democratic institutions were abolished and all civil rights of the population were abrogated, while the countries themselves were plundered and rapaciously exploited. The population of these countries, and of the Slav countries above all others—especially Russians, Ukrainians, Bielorussians, Poles, Czechs, Serbians, Slovenes, Jews—were subjected to merciless persecution and mass extermination.

The conspirators failed to achieve their objective. The valiant struggle of the peoples of the democratic countries, led by a coalition of the three great powers—the Soviet Union, the United States of America, and Great Britain—resulted in the liberation of the

European countries from the Hitlerite yoke. The victory of the Soviet and Allied armies wrecked the criminal plans of the fascist conspirators and liberated the peoples of Europe from the terrible threat of Hitlerite domination.

We, the Prosecutors, are obliged by law and duty before the peoples of the democratic countries and all mankind to formulate and present to the International Military Tribunal evidence proving the guilt of the defendants in committing the most grievous crimes.

Permit me to perform my duty, jointly with my colleagues, by presenting to the International Military Tribunal the evidence which, together with the materials already presented by the Prosecution on behalf of the United States of America, Great Britain, and France, will give a complete and exhaustive body of proof in this case.

The Defendants Göring, Hess, Ribbentrop, Keitel, Raeder, Rosenberg, Kaltenbrunner, Frank, Frick, Dönitz, Fritzsche, and others are charged with the organization of a conspiracy to establish by force the domination of German imperialism and the setting up of the fascist regime in all European countries and, later, throughout the world.

The core of this plan was the organization of aggressive wars and the rearrangement of the map of the whole world by use of force. In execution of this plan for aggression the criminal Hitlerite Government and the German General Staff prepared and executed the seizure of Austria, Czechoslovakia, Norway, Belgium, Holland, France, Poland, Greece, and Yugoslavia. They also prepared and undertook a predatory military campaign against the Soviet Union.

My colleagues of the American, British, and French Prosecution have already submitted to the Tribunal weighty and irrefutable evidence which establishes the fact of German aggression against their own countries, as well as against Belgium, Holland, Greece, and a number of the other states which had become victims of the predatory Hitlerite imperialism.

May it please Your Honors, I will now produce proofs of the monstrous crimes of the defendants in the preparation and initiation of aggressive wars against freedom loving peoples.

The document submitted in this case and known as "Fall Grün" contains a plan for an attack on the Czechoslovakian Republic. This directive, signed by Hitler, was distributed together with a covering note bearing the signatures of Keitel. The directive begins with "Political Prerequisites," which read precisely as follows:

> "My unalterable decision is that Czechoslovakia should be smashed in the immediate future by means of a single military operation. To abide the time and to create a suitable political and military situation—this is the task of political

leadership. The inevitable development of conditions within Czechoslovakia or other political events in Europe, which might never again bring about such an unexpectedly favorable situation, may force me to action even before the designated date. The proper choice and the resolute exploitation of the opportune moment are the surest guaranties of success. Accordingly, all preparations should be made immediately."

Turning to the exposition of the political possibilities and prerequisites regarding the initiation of the attack, Hitler cynically disclosed these prerequisites: a) A suitable military pretext and in this connection; b) a satisfactory political justification; c) a surprise action which should take the enemy, as far as possible, unawares.

It was Hitler's idea that the most propitious moment, both from the military and political point of view, would be a lightning, secretly prepared, German attack under the pretext of some incident which could morally justify the use of military force, at least in the eyes of a certain portion of the public opinion of the world.

The directive envisaged the actual preparation for an attack on Czechoslovakia to be executed by certain branches of the Armed Forces. Thus the Directive Grün, which bears as early a date as May 1938, clearly and definitely testifies to the fact of a carefully planned preparation for the seizure of Czechoslovakia. The Soviet Prosecution will submit documents taken from the files of the German Ministry of Foreign Affairs which reveal the criminal methods used by the Hitlerites in preparing for the seizure of Czechoslovakia.

You, Your Honors, as well as the entire world, well know how methodically and ruthlessly this criminal scheme was executed by the predatory imperialism of the Hitlerites.

Having set up in occupied Czechoslovakia an insufferable regime of terrorism, the Hitlerites drove into German slavery many thousands of Czechoslovak citizens, showing no mercy even to children, who were sent to industrial plants, farms, and mines. The youth of Czechoslovakia was deprived of all opportunities for education. When, in 1942, a Czech delegation appealed to Frank for permission to reopen the higher Czechoslovak educational institutions, he cynically replied, "Should the war be won by England, you will reopen your schools yourselves; should Germany win, then five-grade elementary schools will be enough for you."

Everyone remembers the sanguinary reprisals of the Hitlerite hangmen committed against the Czechoslovak population. One of the numerous cases of such monstrous reprisals against the peaceful population was made public in the German newspaper *Der Neue Tag* of 11 June 1942.

"During the search for the murderer of SS Obergruppenführer Heydrich, it was incontestably proved that the

> inhabitants of the village of Lidice, near Kladno, were aiding and abetting the perpetrators of the crime. This has been proven in spite of the fact that the population denies any such assistance. The attitude of the population in regard to such crimes is also evidenced by other hostile acts against the Reich. There were discovered, for instance, subversive literature, stores of arms and ammunition, as well as the existence of a radio transmitter and a large quantity of rationed goods held in unlawful possession. The entire adult male population was executed by firing squads. Women were deported to concentration camps, and children were sent to proper places for their further upbringing. All buildings in this village were levelled to the ground and the name of the village was done away. with."

The Prosecution has at its disposal official data collected by the Czechoslovakian Government on the shocking crimes which were perpetrated by the Hitlerite invaders on the territory of Czechoslovakia. In the report of the Czechoslovakian Government, which to a large extent is devoted to the description of the regime established by the Hitlerites in Czechoslovakia during the occupation, are cited numerous cases of terrorism: shooting of hostages, mass deportations to concentration camps, murder of women and children.

That is how Fall Grün worked.

On 1 September 1939 the fascist aggressors invaded Polish territory in treacherous violation of existing treaties. The Polish people were subjected to mass extermination, and their cities and villages were mercilessly destroyed. Official documents exposing this aggression have already been presented to the Tribunal by my colleagues. Among such documents we must mention in the first place a top-secret report on a conference, presided over by Hitler, which took place on 23 May 1939, and at which, besides Hitler and other persons, the Defendants Göring, Raeder, and Keitel were present.

At this conference Hitler made a lengthy statement concerning "the present situation and the political aims." Hitler said:

> "The Pole is in no way an additional enemy. Poland will always be on the side of our opponents. It is not a question of Danzig only; it is the question of Lebensraum in the East, the safeguarding of our food supplies, and the solution of the Baltic problem.
>
> "Thus"—said Hitler—"sparing Poland is out of the question, and the decision remains to invade her at the first opportunity. We cannot expect the repetition of what we achieved in the case of Czechoslovakia. This time it means war."

Hitler then said:

> "The important fact in the conflict with Poland, which will begin with an attack on Poland, is that it can be successful for us only if the West does not participate. If this should be impossible, it would be better to attack the Western Powers and at the same time destroy Poland."

The second part of Hitler's statement was specially devoted to a number of questions of military strategy connected with his decision to attack Poland. This is how the gangster assault of Hitler's Germany on Poland was prepared in advance. It was put into execution in September 1939. We shall present documentary evidence of the monstrous crimes committed by the Hitlerites in Poland.

Yugoslavia was another Slav state which was the subject of a sudden attack on the part of Hitlerite Germany. It is well known that on numerous occasions Hitler's Government had given false assurance to the effect that Germany had no aggressive intentions towards Yugoslavia. Thus, on 28 April 1939 Hitler, in his speech to the Reichstag, stated that Germany was ready to give assurances to a number of states, and in particular to Yugoslavia, that Germany wished to maintain with them relations of mutual understanding, as she was bound to them by alliances and by "close ties of friendship."

Even prior to this, on 28 April 1938, the Berlin News Agency (DNB) had announced:

> "Confidential representatives have informed the Yugoslav Government on Germany's behalf that Germany's intentions do not extend beyond Austria and that the Yugoslav frontier will remain inviolate."

In spite of these repeated and categorical declarations, Hitler's armies invaded Yugoslavia on 6 April 1941 and occupied this country. This attack was unexpected only by the victims, for the Nazi clique had carefully planned this assault in advance as it had done in the above-mentioned cases.

A top-secret directive issued from the Führer's headquarters on 27 March 1941 and intended only for higher commanding officers of the German Army said:

> "My intention is to invade Yugoslavia by powerful thrusts from the area of Fiume-Graz and from Sofia in the general direction of Belgrade and further to the south, with the objective of inflicting on the Yugoslav army a decisive defeat as well as to cut off the southern part of Yugoslavia from the rest of the country and to turn it into a base for further operations of the German-Italian forces against Greece. By

proposing the return of Macedonia and Banat, attempts will be made to bring about the participation of Bulgaria and Hungary in the operations.

"The internal political crisis in Yugoslavia will be aggravated by political guarantees promised to the Croats."

Further on, the directive lays down a detailed strategic plan for the invasion of Yugoslavia and provides for actual participation in this aggression of the German Armed Forces, including the 10th Air Corps, which had to be transferred from Italy in order to take part in these operations.

Consequently, on the basis of the evidence supplied by original documents of the Hitlerite Government and High Command of the German Armed Forces, we can establish that all attacks by Hitlerite Germany on Slav states were based on a plan prepared in advance, a plan which was only a part of a common criminal conspiracy of the predatory German imperialism against freedom-loving nations.

Yugoslavia as well as Poland became a victim of the German fascist aggressors who covered this flourishing state with ruins, and its fields, gardens, and ploughed land with corpses of many thousands of Yugoslav patriots who fell in the heroic struggle against the foreign invaders and enslavers, in the struggle for the freedom and independence of their native land.

THE PRESIDENT: Would that be a convenient time to break off for 10 minutes?

[A recess was taken.]

GEN. RUDENKO: May it please the Tribunal, I will now describe the crimes committed by the Hitlerite aggressors against my own country, against the Union of Soviet Socialist Republics. On 22 June 1941 the U.S.S.R. was perfidiously attacked by Hitlerite Germany. However, it is not this date that should be considered as the actual beginning of the execution of Hitlerite Germany's plan of aggression against the Soviet Union. What took place on 22 June 1941 was conceived, prepared, and planned long before that.

The Hitlerite conspirators pursued these preparations continuously. All Germany's aggressive actions against a number of European states, during the period between 1938 and 1941, were actually only preliminary measures for the main blow in the East. For fascist Germany had conceived the criminal design of seizing the territory of the Soviet Union in order to plunder and to exploit the peoples of the U.S.S.R.

We need not seek confirmation thereof in Hitler's *Mein Kampf* or in the writings of the Hitlerite ringleaders, which, as is known, contained, together with a direct menace to the U.S.S.R., indications that the aggression of German imperialism must be directed toward the East in order to conquer the so-called "living space." This tendency of predatory German imperialism is expressed in the well-known formula "Drang nach Osten."

I revert for evidence to the official documents of the Hitlerite Government, which fully disclose the defendants' guilt in committing the criminal actions with which they are charged under the present Indictment.

I beg to be allowed to refer, in the first case, to the document entitled, "Report Concerning the Conference of 23 May 1939." As can be seen from this document, this conference took place in Hitler's study at the new Reich Chancellery, and the minutes were taken down by Lieutenant Colonel Schmundt of the German General Staff. There were present at this conference: Hitler, Göring, Raeder, Brauchitsch, Keitel, General Milch, General of the Artillery Halder, and other representatives of the German High Command. The report states that the subject of the conference was, "Instructions concerning the present situation and the objects of our policy." Speaking at this conference, Hitler frequently broached the subject of the seizure of territory in the East. He declared:

> "If fate forces us into a conflict with the West, it would be desirable that we possess more extensive space in the East."

And further:

> "Our problem is to extend our living space in the East, secure our food supplies, and solve the problems of the Baltic Sea and States. As regards food supplies, we can only rely upon the thinly populated areas. The thoroughness of German agriculture, together with the fertility of the soil, will show itself favorably in the manifold increase of food production."

In another document known as the "Minutes of the Führer's Conference with the Commander-in-Chief on 23 November 1939," Hitler stressed the necessity of solving the problem of the struggle for oil, rubber, and useful minerals; and at that conference, Hitler formulated the main tasks as follows:

> "... adapt the living space to the density of the population....
>
> "This is an eternal problem: to establish the necessary balance between the number of Germans and their territory, and to secure the necessary living space. Sharp ingenuity can be of no avail here. The problem can be solved only by the sword."

At this conference Hitler with complete frankness disclosed his plans concerning the drive to the East. Boasting of his successful seizures of Moravia, Bohemia, and Poland he no longer kept secret his intentions of pursuing his aggression eastwards.

> "I did not resurrect the armed forces"—said Hitler—"for the purpose of keeping them inactive. The determination to act has always been alive in me. I always meant to solve this problem—sooner or later."

In that the Nazi Government felt itself in no way restrained by the existence of a non-aggression pact signed between Germany and U.S.S.R. on 23 August 1939. However, Hitler's cynical declaration that treaties need only be respected as long as they serve a purpose is now universally known.

My American colleague has already quoted in his address the speech made by the Defendant Jodl at the conference held by the Reich Gauleiter in Munich in January 1943. In his speech the Defendant Jodl said, "Hitler informed me, while we were still fighting in the West, of his plans to fight the U.S.S.R." In his turn, the Defendant Raeder at his preliminary examination testified that the idea of a military campaign against the U.S.S.R. had been born in Hitler's mind long ago, and it grew ever stronger with the decrease of the probability of an invasion of England in June 1940.

According to the Defendant Keitel's statement, Hitler had decided to attack the U.S.S.R. at the end of 1940. Already in the spring of 1940 a plan of assault had been worked out. Conferences on this subject had been held during the summer. In July 1940 at a military conference in Reichenhall, the plan of attack on the U.S.S.R. was examined.

This is also confirmed by the statement of the Defendant Jodl, who at his preliminary examination testified that the plans of attack on the U.S.S.R. were actually worked out in the months of November-December 1940 and that during that period the first directives were given to the Army, to the Navy, and to the Air Force. Speaking of these directives, Jodl refers to a document known as the Case Barbarossa. This document is signed by Hitler, Jodl, and Keitel. This directive, intended only for the High Command of the German Army, contains an elaborate and detailed plan for a sudden attack on the U.S.S.R. I quote:

> "The German Armed Forces must be prepared to crush Soviet Russia in a quick campaign even before the end of the war against England.
>
> "For this purpose the Army will have to employ all available units with the reservation that the occupied territories will have to be safeguarded against any surprises."

The directive, Case Barbarossa, emphasizes that "great importance attaches to the fact that the intention of an attack will not be recognized."

The directive further states that in case of emergency the order for attack against Soviet Russia will be given 8 weeks in advance of the intended beginning of operations, and that "preparations requiring more time to start are, if this has not already been done, to begin presently and are to be completed by 15 May 1941."

And, finally, the same directive contains a detailed strategic plan of an attack on the U.S.S.R., which plan already contemplated the actual form of participation on the part of Romania and Finland in this aggression. In particular, the directive says bluntly:

> "Probable Allies and their tasks.
>
> "1. At the flanks of our operations the active participation, in the war against Soviet Russia, of Romania and Finland may be counted upon."

The directive also states that:

> "we may count on the possibility that Swedish railroads and highways may become available for the deployment of the German Group North not later than the beginning of actual operations."

Thus, it is incontestable that the Hitlerite Government at this time had already secured the assent of the Romanian and Finnish Governments for the participation of these countries, together with Germany, in the aggression against the U.S.S.R.

This situation is apparent not only from the text of the directive, Case Barbarossa, but also from the other facts at our disposal. For example, in a statement by the German General of the Infantry Buschenhagen which we shall present to the Tribunal, the following appears:

> "At the end of December 1940 (approximately on the 20th), I, as the Chief of Staff of the German Forces in Norway, with the rank of colonel, was invited to take part in a conference of the chiefs of staff of the Armies at the OKH (High Command of the Army) at Zossen (near Berlin), which lasted several days. At this meeting the Chief of the General Staff, General Halder, expounded the Barbarossa plan of attack on the Soviet Union. Present at Zossen at the time of the meeting was the Chief of the General Staff of the Finnish Army, General Heinrichs, who was conferring with General Halder...."

Buschenhagen further tells us how in February 1941 he left for Helsinki, where, together with a representative of the Finnish Army, he worked out a definite plan for the attack on the U.S.S.R. On 2 or 3 March 1941, upon his return to Oslo, he compiled and submitted to the OKW a report on his mission.

> "On the basis of these documents"—states Buschenhagen—"the operational plan 'Blue Fox' was drawn up, envisaging an attack on the Murmansk railroad from the area of Kuusamo, Rovaniemi, and Petsamo. The plan of operations in the area

> of Kirkenes-Petsamo was called 'Reindeer'; that in the area of Rovaniemi, 'Silver Fox.'"

Further, as narrated by Buschenhagen, towards the end of April or the beginning of May 1941 he flew again to Helsinki where:

> "... at the Finnish General Staff negotiations took place with Generals Heinrichs and Airo and Colonel Tapola, in the course of which we ascertained that the Finnish General Staff was fully prepared to participate in the coming war against the Soviet Union."

In his personal written testimony given to the investigating authorities of the Soviet Union, which will be presented to the Tribunal, Marshal Ion Antonescu gives an account of his meetings with Hitler in November 1940, January 1941, and May 1941, at which were discussed the questions with regard to the preparation of war against the Soviet Union.

During the first conference between Antonescu and Hitler, in which Ribbentrop and Hitler's personal interpreter, Schmidt, took part, problems directly concerning the preparation of the German aggression against the U.S.S.R. and the Romanian participation therein were discussed.

In reply to the question put by the Soviet investigating authorities to Antonescu, whether his first conference with Hitler should be considered as his initial step towards an understanding with the Germans for the preparation of aggressive war against the Soviet Union, he stated, "I reply in the affirmative. Hitler undoubtedly had this in mind when working out the plans for attacking the Soviet Union."

At the second meeting between Antonescu and Hitler, which took place in January 1941, the Defendants Ribbentrop, Keitel, and Jodl were present. Hitler requested Antonescu to permit the German armies concentrated on Hungarian territory to pass through Romania in order to enable them to assist the Italians in the war against Greece.

Antonescu testifies:

> "I expressed my apprehension that the movement of German troops through Romania might serve as a pretext for military action by the Soviet Union against Romania, thus placing Romania in a very difficult position, as the Romanian army was not mobilized. To this Hitler replied that he will give an order for part of the German troops intended for operations against Greece to remain in Romania.
>
> "Hitler also emphasized that, according to the information at his disposal, the Soviet Union had no intention to fight either against Germany or Romania.

> "Satisfied with this statement of Hitler's, I have agreed to allow the German troops to pass through Romanian territory.
>
> "General Jodl, who was present at this conference, described to me the strategic situation of the German Army, emphasizing the necessity of an attack on Greece through Bulgaria."

Speaking of the third meeting with Hitler in May 1941, in the city of Munich, at which the Defendant Ribbentrop was present, Antonescu declared:

> "At this meeting... we had definitely agreed upon our joint assault on the Soviet Union.
>
> "Hitler stated that he had decided to attack the Soviet Union. 'Having prepared this attack,' said Hitler, 'we must launch it unexpectedly along the entire frontier of the Soviet Union from the Black Sea to the Baltic. The suddenness of this military attack,' continued Hitler, 'will enable Germany and Romania to overcome in a very short time one of our most dangerous opponents.'
>
> "In connection with his war plans, Hitler asked me to place at his disposal Romanian territory for the concentration of German troops, and in conjunction with this to take a direct part in carrying out the attack on the Soviet Union."

By entering the conspiracy on the side of Germany and preparing to attack the Soviet Union, Romania in her turn pursued aggressive aims.

Antonescu in the same statements spoke of Hitler's promises as follows:

> "Hitler emphasized that Romania should not remain out of this war, as in order to get back Bessarabia and northern Bukovina she had no other way but to fight on the side of Germany. He added to this that in return for our help in the war Romania could occupy and administer other Soviet territories up to the Dnieper."

Antonescu further testified:

> "As Hitler's proposal to start jointly the war against U.S.S.R. was in line with my aggressive intentions, I declared my readiness to participate in the assault on the Soviet Union and undertook to prepare the required number of Romanian troops and at the time to increase the deliveries of oil and farm produce for the needs of Germany.
>
> "After my return to Bucharest from Munich I began energetic preparations for the coming war."

These facts are likewise confirmed by the documents from the archives of Antonescu, which will also be submitted to the Tribunal.

I draw the attention of the Tribunal to the records of a conversation which took place between Antonescu and Dörnberg, head of the protocol department of the German Foreign Office, on the 10th of February 1942, a conversation after meeting at the frontier:

> "...I declared"—remarks Antonescu—"that Romania entered into an alliance with the Axis not for the purpose of altering the treaty of Versailles but in order to fight the Slavs...."

It will be seen from this record that hatred towards the Slav peoples united Hitler and Antonescu in their preparation and realization of a war of aggression.

Documents which are to be presented to the Tribunal will show quite clearly the complicity of Hungary in the conspiracy to violate peace and in the preparation of an aggressive war against the Soviet Union. Hungary was assigned the definite role of attacking the rear of the Red Army through the Carpathian Mountains at the very moment when the German and the Romanian Armies were to open military operations against the Soviet Union. Thus the criminal block of aggressors against the peace-loving nations was set up with fascist Germany in the van.

Reverting to the so-called Case Barbarossa, I wish to dwell on the more important points of this document. Case Barbarossa consists of three parts. The first sets forth its general aims; the second indicates allies of Germany in the war against the Soviet Union. The third part is devoted to the execution of military operations on land, in the air, and on sea. This document has the highly pertinent feature of having been issued, in view of its top-secret contents, in nine copies only, to comply fully with the demand for absolute secrecy on Germany's preparations for the attack on the Soviet Union.

The first part of the plan reads as follows:

> "Troops of the Russian Army massed in the western part of Russia must be destroyed, and the retreat into the vast expanses of Russian territory of combat units must be prevented. Then, by rapid pursuit, a line must be reached from which the Russian air force will not be able to carry out attacks against German territory."

The document further states that the ultimate objective of this plan was to consolidate the line Archangel-Volga, paralyze the last remaining industrial area in the Urals by air operations, put the Baltic fleet out of commission, and prevent the possibility of active interference on the part of the Russian air force. In the third part of the document we find the directive to seize Leningrad and Kronstadt and to continue offensive operations with the objective of taking the most important center of communications and war-production, Moscow. "The seizure of this city"—according to the plan—"will mean a decisive success both politically and economically."

Such was the plan to invade the U.S.S.R.—conceived, worked out, and prepared long in advance by Hitlerite Germany.

While undertaking strategic and diplomatic measures to prepare for its treacherous attack against the U.S.S.R., the Hitlerite Government conceived and planned beforehand to commit war crimes on the territory of the U.S.S.R. The so-called Case Barbarossa was a strategic plan. But this plan was supplemented by a number of instructions and orders designed to embrace all the measures relative to the problems connected with the invasion of the Soviet Union. Among these measures we must mention in the very first place the directive issued on 13 March 1941 by the headquarters of the German High Command.

This directive deals with a series of organizational problems of a civilian nature and in particular with the problems relative to the organization of administrative authorities. It is of importance to note that this instruction placed German troops stationed in East Prussia and the so-called Government General (that is to say, Poland) under the laws and regulations destined for the zone of operations at least 4 weeks prior to the opening of the campaign. By this directive the High Command of the German Armed Forces was authorized to assume executive power and to delegate it to the commanding generals of the army groups and armies.

One also cannot overlook in this directive Subparagraph B, which characterizes the tasks and objectives pursued by the conspirators. In this subparagraph it states:

> "In the theater of army operations, the Reichsführer SS, by order of the Führer, is given some special tasks for the preparation of political administration, arising from the decisive struggle between two opposing political systems. Within the limits of these tasks the Reichsführer of the SS acts independently, upon his own responsibility."

Mankind is now well aware of the meaning of these "special tasks," the execution of which was exclusively entrusted to the SS generals and officers, who made full use of this right to act "independently" and "upon their own responsibility." It meant unheard of terror, plundering, violence, and killing of prisoners of war and peaceful citizens. Further, this directive, in a very specific way, gave the High Command also such tasks as the plundering and predatory exploitation of the areas occupied by the German troops. The directive is signed by the Defendant Keitel.

In another instruction, issued in June 1941 as a supplement to the Plan Barbarossa, orders are issued which, in the guise of propaganda directives, prescribe the ruthless treatment of all those who oppose the German aggressors. As to actual propaganda, the directives frankly mention the usual Hitlerite methods of dirty calumny, lies, and provocation, which were to be used by the so-called "propaganda companies."

Finally one cannot overlook another instruction, known under the name of "Orders Concerning Military Jurisdiction in the Barbarossa Area and Special Measures To Be Taken by the Troops." These orders, while sanctioning arbitrary action on the part of the German authorities and troops in regard to the civilian population in the territories seized by the German armed forces, begin with an invitation addressed to the German troops to "protect" themselves ruthlessly against hostile actions of the civilian population. In the order prescribing the adoption of Draconian measures against peaceful populations and partisans, we find indications as to the brutal punishment to be imposed upon persons defined in those orders as "suspected elements."

With the permission of the Tribunal, I will read only two subparagraphs of these orders—Subparagraphs 4 and 5:

> "4. In those places where it is too late to adopt these measures or where it had not been possible to do so immediately, suspected elements must be handed over to an officer without delay; he will decide whether or not they should be shot.
>
> "5. It is absolutely prohibited to hold these suspects for trial by courts which at a later date will be instituted for the local population."

Thus, according to these so-called orders, the fate and life of every apprehended person depended exclusively on an officer, and it was prohibited, as the order cynically stressed, "to hold the suspects for trial." In other words, it was a definite order to exterminate the "suspects." Moreover, in the case of attacks against the German Armed Forces, the order prescribed "mass measures of repression," that is to say, the wholesale extermination of absolutely innocent people.

What heights of cynicism were reached by the German High Command in the application of sanguinary terror can be seen from the fact that this order freed the German soldiers, officers, and officials of any responsibility for the commission of crimes against the peaceful Soviet population. According to these orders, the German troop commanders were entitled to confirm only those sentences which, as the said document states, were in accordance with the "political objectives of the leaders." Consequently, long before 22 June 1941 the Hitlerite Government and the German High Command, whose representatives are now in the dock, planned and prepared in detail those war crimes which were subsequently committed in the territory of the U.S.S.R. These plans inexorably disclose that the defendants premeditated the monstrous crimes which were organized by them.

On 22 June 1941 the Hitlerite conspirators, having perfidiously violated the pact of non-aggression between the U.S.S.R. and Germany without any declaration of war, started an attack against Soviet territory, initiating thereby an aggressive war against the U.S.S.R. without the slightest provocation on the part of the Soviet Union. Enormous masses of German troops, secretly concentrated on the borders beforehand, were thrown against the U.S.S.R. As planned, Finnish troops took part in the attack on the U.S.S.R. in the north, and Hungarian and Romanian troops in the south. In order to create panic and confusion, the German Air Force immediately began the bombing of peaceful towns, thereby subjecting them to destruction.

Less than a month after the perpetration of this perfidious act Hitler called a conference, which was attended by Rosenberg, Göring, Bormann, Lammers, and Keitel. At this conference Hitler instructed those present not to disclose to the outside world the true aims of the war begun by the Hitlerites. Referring to their activities in regard to Norway, Denmark, Holland, and Belgium, Hitler stressed the necessity of continuing this line of action, that is, to conceal by all possible means the real intentions of the conspirators:

> "Therefore"—said Hitler—"we shall emphasize again that we were compelled to occupy a region to establish order and security there... our method of regulation is the natural outcome of this. Thus it must not be revealed that this may bring about a final solution. However, despite and notwithstanding this, we shall take all necessary measures such as mass shootings, deportation, *et cetera.*"

Any kind of violence against the peaceful population, deportation into German slavery, shooting, and looting were called "regulation" in the words of Hitler and his accomplices.

At this conference the conspirators defined the ulterior aims of the Hitlerite Government in respect of the Soviet Union as follows:

> "In the main, the problem amounts to this... first, to conquer it, secondly, to rule it and thirdly, to exploit it....
>
> "The basic idea: The creation of a military power west of the Urals must never occur again, even if, in order to prevent it, we have to fight for a hundred years. All the adherents of the Führer must know this. The Reich will only be secure if no foreign military force exists west of the Urals.
>
> "The iron law must be: None but the Germans shall be permitted to bear arms... only a German has the right to carry a weapon; no Slav, no Czech, no Cossack, no Ukrainian.

> "Hitler continued: The Baltic countries must become a province of the Reich. The Crimea and a considerable area to the north must likewise become a province of the Reich. These areas must be as extensive as possible... The Volga colony must become a territory of the Reich, the Baku region a German concession (military colony).
>
> "The Finns want East Karelia. However, because of its great nickel production, the Kola peninsula must go to Germany....
>
> "The Finns claim the Leningrad region. Level Leningrad to the ground, then give it to the Finns."

The rapacious aims of the war launched by Germany against the U.S.S.R. are frankly set forth in an article by the director of the fascist propaganda, the notorious Goebbels, under the title "What For?" Goebbels wrote:

> "This war is not a war for a throne nor an altar; this is a war for grain and bread, a war for a well-laden breakfast, dinner, and supper table... a war for raw materials, for rubber, iron, and ore." (Goebbels, Joseph, *Das eherne Herz,* Zentralverlag der NSDAP, Munich, 1943, Pages 334-336.)

Göring in his turn in an address at the Harvest Festival in the Berlin Sports Palace, 5 October 1942, published in the *Völkischer Beobachter* of 6 October 1942, exclaimed greedily:

> "Don't forget we have taken away from the Russians their best regions.... Eggs, butter, and flour are there in such quantities as you can hardly imagine.... We will have to see that everything is properly collected and properly processed on the spot.... "

The Defendant Rosenberg worked feverishly at inventing new names for Soviet cities, such as "Gotenburg" for Simferopol and "Theodorichshafen" for Sevastopol. This occupation Rosenberg combined with the leadership of a special staff concerned with the collection from the Caucasus. All that shows very clearly the real predatory plans and schemes of the Hitlerite aggressors against the Soviet Union. Above all, those criminal designs aimed at plundering the Soviet Union and the enslavement and exploitation of the Soviet people.

At the same time these were all steps on the road to establishing Hitlerite domination in Europe and in the whole world. It was precisely for this reason that, in a document submitted in the case, published by the High Command of the Navy, dealing with the plans for an invasion of North Africa, Gibraltar, Syria, Palestine, and Egypt, the Hitlerite Government stated that the realization of the above plan would depend entirely on the results of the war against the Soviet Union.

In its attempt to conceal its imperialistic aims the Hitlerite clique hysterically shrieked, as usual, about a danger alleged to be forthcoming from the U.S.S.R. and proclaimed that the predatory war which it started against the Soviet Union with aggressive purposes was a "preventive" war.

A pitiful effort!

What "preventive" war can we speak of, when documents prove that long in advance Germany worked out and prepared a plan for an attack on the U.S.S.R., formulated the predatory aims of this attack, earmarked the territories of the Soviet Union which she intended to seize, established the methods for pillaging of these territories and for the extermination of their population, mobilized her army in good time, and moved to the borders of the U.S.S.R. 170 fully equipped divisions only waiting for the signal to advance?

The fact of aggression committed by fascist Germany against the U.S.S.R., as well as the original documents of the Hitlerite Government which now have been made public, definitely show to the whole world and to history how untrue and laughable was the assertion of the Hitlerite propaganda about the "preventive" character of the war against the U.S.S.R.

Much as the fascist wolf might disguise himself in a sheep's skin, he cannot hide his teeth!

Having committed the perfidious attack on the U.S.S.R., the Hitlerite Government calculated that lengthy preparation for this attack, the concentration of all the armed forces of Germany for this thrust, the participation of Romanian and Finnish armies, as well as of Italian and Hungarian units in this operation, and, finally, the advantage of surprise would assure a rapid defeat of the U.S.S.R.

However, all these calculations of the aggressors were frustrated by the heroic resistance of the Red Army, which with self-denial defended the honor and the independence of its country. The German plans of attack were broken up one after another. I shall not describe all the phases of the patriotic war of the Soviet People against the German fascist invaders and the great and courageous struggle of the Red Army with German, Romanian, Finnish, and other armies that invaded the soil of the Soviet. The whole world watched this struggle with admiration, and it will never be forgotten by history.

The Soviet people, in battles the scale and ferocity of which were unmatched in history, steadfastly defended and saved the freedom and independence of their country and, together with the Allied armies, liberated the freedom-loving nations throughout the whole world from the terrible menace of Nazi enslavement.

Having prepared and carried out the perfidious assault against the freedom-loving nations, fascist Germany turned the war into a system of militarized banditry. The murder of war prisoners, extermination of civilian populations, plunder of occupied territories, and other war crimes were committed as part of a totalitarian lightning war program projected by the fascists. In particular, the terrorism practiced by the fascists on the temporarily occupied Soviet territories reached fabulous proportions and was carried out with an outspoken cruelty.

> "We shall"—said Hitler to Rauschning—"have to develop a technique of systematic depopulation. If you ask me what I mean by 'depopulation,' I mean removal of entire racial units. And that is what I intend to carry out—that, roughly, is my task. Nature is cruel; therefore we, too, may be cruel. If I can send the flower of the German nation into the hell of war without the smallest pity for the spilling of precious German blood, then surely I have the right to remove millions of an inferior race that breeds like vermin!" (Rauschning, Hermann, *The Voice of Destruction,* New York, 1940, Pages 137, 138.)

The Soviet Prosecution has at its disposal numerous documents, collected by the Extraordinary State Commission for the Soviet Union for the prosecution and investigation of crimes committed by the German fascist aggressors and their accomplices, which constitute irrefutable evidence of countless crimes perpetrated by German authorities.

We have at our disposal a document, known as the "Appendix Number 2 to the Operational Order Number 8 of the Chief of the Sipo and SD," dated Berlin, 17 June 1941, and signed by Heydrich, who at that time held the office of Himmler's deputy. This document was worked out in collaboration with the High Command of the German Armed Forces. The appendices to Order Number 8, as well as Orders Number 9 and 14 and the appendices thereto, make it evident that the systematic extermination of Soviet people in fascist concentration camps in the territories of U.S.S.R. and other countries occupied by the fascist aggressors was carried out under the form of "filtration," "cleansing measures," "purges," "extraordinary measures," "special treatment," "liquidation," "execution," and so on.

The perpetration of these crimes was entrusted to the Sonderkommandos especially formed for this purpose by agreement between the Chief of Police and the SD and the High Command of the German Armed Forces. The Appendix Number 1 to Order Number 14 shows that these Sonderkommandos acted independently "on the basis of their special powers and in accordance with general directives given to them within the scope of camp regulations," maintaining close contact with the camp commanders and counterintelligence officers.

It is to be noted that during the German offensive aimed at Moscow the fascists created a special Sonderkommando Moscow, which was supposed to carry out the mass killings of the inhabitants of Moscow.

Hitler's Government and the German Military Command were afraid that these monstrous Orders Number 8 and Number 14 might fall into the hands of the Red Army and the Soviet Government, and they took all possible measures to keep these orders completely secret. In Order Number 14, Heydrich declared:

> "I especially emphasize that Operational Orders Number 8 and Number 14, as well as the regulations pertaining thereto, must be immediately destroyed in case of imminent danger. Their destruction is to be reported to me."

Besides the above-mentioned orders containing the program and plan for the fascist annihilation of the Soviet population, numerous orders and regulations were issued to the civil administration, as well as to the German military authorities, prescribing mass extermination and far-reaching application of the death penalty against the Soviet people. Keitel's order of 12 December 1941 reads as follows:

> "In the Führer's opinion the punishment by imprisonment or even by hard labor for life would be considered a sign of weakness. Effective and lasting determent can be realized only by capital punishment or measures which would leave the population in complete ignorance of the criminal's fate. This latter aim is reached through the deportation of criminals into Germany. The attached instructions for the prosecution of criminals are in accordance with this opinion of the Führer's. It is approved by him."—Signed—"Keitel."

Among the means employed by the Hitlerites for the extermination of Soviet citizens were also intentional infection with spotted typhus and murdering by poison gas in gas vans which were called the "murderess" in Russian, *et alia.*

Upon investigations by the Extraordinary State Commission of the Soviet Union, it was found that at the front, behind their main line of defense, the Hitlerites had systematically constructed special concentration camps where they kept tens of thousands of children, women who were unfit for work, and old men. The approaches to these camps were mined. No buildings or shelters of any kind existed within the areas of the camps, not even any barracks, and the internees had to camp on the bare ground. The internees were punished with death for the slightest attempt to infringe upon the established ruthless camp regulations. Many thousands of typhus patients were found in these camps. The population forcibly brought there from the surrounding villages was systematically infected there with this disease. The document which will be presented by the Soviet Prosecution, describes in detail these heinous crimes perpetrated by the Germano-fascist occupants.

The Prosecution possesses a document signed by Untersturmführer Becker, dated 16 May 1942. This document is a report to his superiors concerning the use of gas vans. This is what one reads in this monstrous document:

> "The place of execution is located at about 10 to 15 kilometers off a thoroughfare and is difficult to reach because of its location. In wet or damp weather it is entirely inaccessible. Whether the people to be executed are led or brought in vehicles to this spot, they immediately realize what awaits them and become restless; this should be avoided by loading them into trucks at an assembly point, and driving them to the place of execution.
>
> "I gave orders for the trucks of group D to be camouflaged as trailers and that a window be inserted on each side of the smaller vehicles, and in the larger trucks, two windows, all of the country peasant cottage type. However, these machines became so well known that not only the officials but even the population called them the "death vans" as soon as they saw them. In my opinion it is impossible to camouflage and keep them secret for any length of time. I also gave orders that during asphyxiation by gas the operating personnel should keep away from the machine so that their health would not be impaired by escaping gas. In this connection I would like to call attention to the following: In certain units men are ordered to unload the machines after gassing. I have drawn the attention of the commanders of the corresponding Sonderkommandos to the immense physical and moral injury this kind of work could cause the men, if not immediately, then later. The men complained of headaches after every unloading. Nevertheless they do not want to change the procedure, for they are afraid that prisoners entrusted with the work may use this favorable moment to escape. To protect the men from this injury, I would ask that appropriate orders be issued.
>
> "The procedure of poisoning by gas is not always carried out in a correct manner. So as to end the business as quickly as possible, the drivers always open the throttle wide. As a consequence of this measure the condemned die of asphyxiation rather than falling asleep as had been originally intended. As a result of my orders death follows more rapidly, if the lever is set correctly, and in addition, the condemned people drop off peacefully to sleep. Distorted faces

> and defecations, two symptoms which formerly had been noticed, were no longer observed.
>
> "Today I will proceed to Group B, whence I shall send a further report.
>
> "Dr. Becker, Untersturmführer."

The names have already been mentioned here of the camps of Maidanek and Auschwitz with their gas-chambers, in which over 5,500,000 completely innocent people, citizens of Poland, Czechoslovakia, U.S.S.R., U.S.A., Great Britain, France, and other democratic countries were killed. I must name the concentration camps of Smolensk, Stavropol, Kharkov, Kiev, Lvov, Poltava, Novgorod, Orel, Rovno, Dniepropetrovsk, Odessa, Kamenetz-Podolsk, Gomel, Kerch, of the Stalingrad region, of Kaunas, Riga, Mariampol (Lithuanian) of Kloga (Estonian) and many others, in which hundreds of thousands of Soviet nationals belonging to the civilian population, as well as soldiers and officers of the Red Army, were tortured to death by the Hitlerites.

The Germans also carried out mass shootings of Soviet citizens in the Lisenitz forest, which is on the outskirts of Lvov in the direction of Tarnopol. It was to this forest that the Germans daily drove, or brought in motor vehicles, large parties of Soviet prisoners of war from the Citadel camp, internees from the Yanov camp and from the Lvov prison, as well as peaceful Soviet citizens who had been seized on the squares and streets of Lvov in the course of numerous roundups. Investigations made by the Extraordinary State Commission of the Soviet Union established the fact that the Germans shot over 200,000 people in the Lisenitz forest.

These mass murders, this regime of tyranny and terror, were fully approved by the Defendant Rosenberg who declared in his speech at the meeting of the German Labor Front in November 1942:

> "Apparently, if we are to subjugate all these peoples"—that is, peoples inhabiting the territory of the U.S.S.R.—"then arbitrary rule and tyranny will be an extremely suitable form of government."

Later, when the Red Army began to clear out the Germano-fascist hordes from the Soviet Union territory they had temporarily occupied and when the Soviet authorities began to discover the abominable crimes perpetrated by the fascist monsters and to find numerous graves of Soviet citizens, soldiers, and officers tortured to death by the fascists, the German Command took urgent measures to conceal and destroy all traces of their crimes. For this purpose, the German Command organized everywhere exhumations of corpses from their graves and their cremation. A special order of an Obersturmführer, dated "Rovno, 3 August 1943-IUAI No. 35/43c," addressed to the Regional Commander of Gendarmerie in Kamen-Kashirsk, ordered him immediately to supply information concerning location and number of common graves of persons to whom special repressive measures had been applied in the district.

Among the documents discovered in the Gestapo building of the Rovno district has been found a report concerning the execution of the above-mentioned order, with the enumeration of about 200 localities, where such graves were registered. One can see from this list that the Germano-fascist henchmen primarily chose inaccessible and isolated spots for the interment of their victims. At the end of the list we read, "The list includes all the graves, including those of the commandos who worked here previously."

I will now quote an extract of the appeal to the public opinion of the world from the representatives of several thousand former internees at Auschwitz:

> "The gassing of unbelievable numbers of people took place upon the arrival of transports from various countries: France, Belgium, Holland, Greece, Italy, Hungary, Czechoslovakia, Germany, Poland, the U.S.S.R., Norway, and others. The new arrivals had to pass before an SS doctor or else before the SS commandant of the camp. The latter pointed his finger to the right or left. The left meant death by gas. Out of a transport of 1,500, an average of 1,200 to 1,300 were immediately to be gassed. Rarely the quota of people sent into the camp was a little higher. It often occurred that the SS doctors Mengele and Thilo performed this selection while whistling a lively tune. The people destined to be gassed were obliged to strip in front of the gas-chambers, after which they were driven with whips into the gas-chambers. Then the door of the underground gas-chamber was closed, and the people were gassed. Death occurred approximately 4 minutes later. After 8 minutes the gas chamber was opened, and workmen belonging to a special commando, the so-called Sonderkommando, transported the bodies to the cremation ovens which burned day and night.
>
> "There was a shortage of ovens at the time of the arrival of transports from Hungary; consequently enormous ditches were dug for the purpose of cremating the bodies. Fires made of wood soaked in gasoline were laid in these ditches and the bodies were thrown into them. However, the SS men frequently hurled live children and adults into those ditches, where these unhappy victims died a terrible death. To save gasoline, the fats and oils necessary for cremations were partly derived

> from the bodies of gassed people. Fats and oils for technical purposes and for the manufacture of soap were also obtained from the corpses."

The appeal ends with the following words:

> "Together with 10,000 rescued inmates of all nationalities, we demand that the crimes and the inconceivable atrocities of the Hitlerites should not remain unpunished."

This just demand is supported by the entire civilized world and by all freedom-loving people. The organized mass annihilation of prisoners of war constitutes one of the vilest crimes of the Hitlerite conspirators.

Numerous facts of murders, tortures, and maltreatment to which prisoners of war were subjected have been definitely established. They were tortured with red-hot irons, their eyes were gouged out, their extremities severed, *et cetera.* The systematic atrocities and short-shrift justice against captured officers and men of the Red Army were not chance episodes or the results of criminal activities of individual officers of the German Army and of German officials. The Hitlerite Government and the High Command of the German Army ruthlessly exterminated prisoners of war. Numerous documents, orders, and decrees of the fascist Government and orders of the German Supreme Command testify to this fact.

As early as March 1941—as the German Lieutenant General Österreich testified during his interrogation—a secret conference took place at the headquarters of the High Command in Berlin, where measures were planned for the organization of camps for Russian prisoners of war and rules laid down for their treatment. According to Österreich's evidence these rules and measures for Soviet prisoners of war were essentially a plan for their extermination.

Many Soviet prisoners of war were shot or hanged while others perished from hunger and infectious diseases, from cold, and from torture systematically employed by the Germans according to a plan which was developed beforehand and had as its object the mass extermination of Soviet persons.

In Appendix 3 to Order Number 8 for the Chief of the Security Police and SD, dated 17 July 1941, a list is given of prisoner-of-war camps set up in the area of the 1st Military District and of the so-called Government General. In the 1st Military District camps were set up in particular in Prokuls, Heidekrug, Schierwind, Schützenrode (Ebenrode) in Prostken, Suwalki, Fischbor-Gersen and Ostrolenko. In the so-called Government General, camps were set up at Ostrov-Mesovetsky, Sedlce, Byelopedlasko, Kholm, Jaroslav, *et* *cetera.* In the appendix to Operational Order Number 9, issued in development of Order Number 8 of 17 July 1942, lists are given of the camps for Soviet prisoners of war situated in the territory of military districts II, IV, VI, VIII, X, XI, and XIII, at Hammerstein, Schneidemühl, and many other places.

THE PRESIDENT: Would this be a convenient time to break off?

[The Tribunal recessed until 1400 hours.]

Afternoon Session

MARSHAL (Colonel Charles W. Mays): May it please the Court, I desire to announce that the Defendants Kaltenbrunner and Hess will be absent until further notice on account of illness.

THE PRESIDENT: Would it be convenient to you and the Soviet Delegation if the Tribunal sat in open session until half past 11 tomorrow morning, and then after that we would adjourn for a closed session for administrative business? Would that be convenient to the Soviet Delegation?

GEN. RUDENKO: We, that is the Soviet Delegation, have no objection.

THE PRESIDENT: Very well, then, that is what we will do. The Tribunal will sit tomorrow from 10 until half past 11 in open session and will then adjourn.

GEN. RUDENKO: In these prisoner-of-war camps, as well as in camps for the civilian population, extermination and torture were practiced, referred to by the Germans as "filtering," "execution," and "special treatment." The "Grosslazarett" set up by the Germans in the town of Slavuta has left grim memories. The whole world is familiar with the atrocities perpetrated by the Germans against Soviet prisoners of war and those of other democratic states at Auschwitz, Maidanek, and many other camps.

The directives of the German Security Police and of the SD—worked out in collaboration with the Staff of the Supreme Command of the Armed Forces, whose chief was the Defendant Keitel—were applied here.

Operational Order Number 8 stated:

> "Executions must not take place in the camp or in the immediate vicinity of the camp. If the camps in the Government General are situated in the immediate vicinity of the frontier, the prisoners intended for special treatment should, if possible, be transported to former Soviet districts. Should executions be necessary owing to violations of camp discipline, the chief of the operational unit should in this case approach the camp commander.
>
> "The activities of the special task forces sanctioned by the army commanders of the rear areas (district commandants dealing with affairs connected with prisoners of war) must be conducted in such a way as to carry out filtering with as little notice as possible, while the liquidation must be carried out without delay and at such a distance from the transit camps themselves, and from populated places, as to remain unknown to the rest of the prisoners of war and to the population."

The following "form" for the carrying out of executions is recommended in Appendix 1 to Operational Order Number 14 of the Chief of the Security Police and SD, dated "Berlin, the 29th of October, 1941, No. 21 B/41 G R S - IV A.I.Z.":

> "Chiefs of operational groups decide questions about execution on their own responsibility and give appropriate instructions to the special task forces. In order to carry out the measures laid down in the directives issued, the Kommandos are to demand from the commandants of the camp the handing over to them of the prisoners. The High Command of the Army has issued instructions to the commandants for meeting such demands.
>
> "Executions must take place unnoticed, in convenient places, and, in any event, not in the camp itself nor in its immediate vicinity. It is necessary to take care that the bodies are buried immediately and properly."

The report of the operational Kommando (Obersturmbannführer Lipper to Brigadeführer, Dr. Thomas) in Vinnitza, dated December 1941, speaks of the way in which all the above-mentioned instructions were carried out.

It is pointed out in this report that, after the so-called "filtering" of the camp, only 25 persons who could be classed as "suspects" remained in the camp at Vinnitza.

> "This limited number"—the report states—"is explained by the fact that the local organizations, in conjunction with the commandants or with the appropriate counterintelligence officers, daily undertook the necessary measures, in accordance with the rules of the Security Police, against the undesirable elements in the permanent prisoner-of-war camps."

Thus, apart from the mass executions conducted by Sonderkommandos specially created for this purpose, the systematic extermination of Soviet persons was widely practiced by commandants and their subordinates in camps for Soviet prisoners of war.

Among the documents of the Extraordinary State Commission of the Soviet Union for the investigation of crimes committed by Germans in the temporarily seized territories of the U.S.S.R. there are several notes of the People's Commissar for Foreign Affairs, V. M. Molotov, on the subject of the extermination of prisoners of war and of their cruel treatment, and in these notes numerous instances are given of these monstrous crimes of the Hitlerite Government and of the German Supreme Command.

The note of V. M. Molotov, the People's Commissar for Foreign Affairs, dated 25 November 1941, on the subject of the revolting bestialities of the German authorities against Soviet prisoners of war, addressed to all ambassadors and ministers plenipotentiary of the countries with which the U.S.S.R. has diplomatic relations, points out that the German High Command and German military units subjected the Red Army soldiers to brutal tortures and killings.

The wild fascist fanatics stabbed and shot on the spot defenseless, sick, and wounded Red Army soldiers who were in the camps; they raped hospital nurses and medical aid women, and brutally murdered members of the medical personnel. A special count of the victims of these executions was conducted on instructions of the German Government and the Supreme Command.

Thus, the directive given in Appendix 2 to Heydrich's Order Number 8, points out the necessity for keeping an account of the executions performed, that is, of the extermination of prisoners of war, in the following form: 1) serial number, 2) surname and first name, 3) date and place of birth, 4) profession, 5) last place of domicile, 6) grounds for execution, 7) date and place of execution.

A further specification of the tasks to be carried out by the special task forces for the extermination of Soviet prisoners of war was given in Operational Order Number 14, of the Chief of the Security Police and SD, dated 29 October 1941.

Among brutalities against Soviet prisoners of war must be included branding with special identification marks, which was laid down by a special order of the German Supreme Command, dated 20 July 1942. This order provides for the following methods of branding: "The tightly drawn skin is to be cut superficially with a heated lancet dipped in india ink."

The Hague Convention of 1907, regarding prisoners of war, prescribed not only humane treatment for prisoners of war, but also respect for their patriotic feelings and forbids their being used to fight against their own fatherland.

Article 3 of the Convention, which refers to the laws and customs of war, forbids the combatants to force enemy subjects to participate in military operations directed against their own country, even in cases where these subjects had been in their service before the outbreak of war. The Hitlerites trod underfoot even this elementary principle of international law. By beatings and threats of shooting they forced prisoners to work as drivers of carts, motor vehicles, and transports carrying ammunition and other equipment to the front, as supply bearers to the firing line, as auxiliaries in anti-aircraft artillery, *et cetera.*

In the Leningrad district, in the Yelny region of the Smolensk district, in the Gomel district of Bielorussia, in the Poltava district, and in other places, cases were recorded where the German command, under threat of shooting, drove captured Red Army soldiers forward in front of their advancing columns during attacks.

The mass extermination of Soviet prisoners of war, established by special investigations of the Extraordinary State Commission of the Soviet Union, is also confirmed by the documents of the German police and of the Supreme Command captured by the Soviet and Allied armies on German territory. In these documents it is stated that many Soviet prisoners of war died of hunger, typhus, and other diseases. The camp commandants forbade the civil population to give food to the prisoners and doomed them to death by starvation.

In many cases prisoners of war who were unable to keep in line on the march because of starvation and exhaustion were shot in full view of the civil population and their bodies left unburied. In many camps no arrangements of any sort were made for living quarters for the prisoners of war. They lay in the open in rain and snow. They were not even given tools to dig themselves pits or burrows in the ground. One could hear the arguments of the Hitlerites: "The more prisoners who die, the better for us."

On the basis of the above exposition, I declare, on behalf of the Soviet Government and People, that the responsibility for the bloody butchery perpetrated on Soviet prisoners of war in violation of all the universally accepted rules and customs of war, rests with the criminal Hitlerite Government and German Supreme Command, the representatives of which are now sitting on the defendants' benches.

Outstanding in the long chain of vile crimes committed by the German fascist invaders is the forced deportation to Germany of peaceful citizens, men, women, and children, for slave and forced labor.

Documentary evidence proves the fact the Hitlerite Government and the German Supreme Command carried out the deportation of Soviet citizens into German slavery by deceit, threats, and force. Soviet citizens were sold into slavery by the fascist invaders to concerns and private individuals in Germany. These slaves were doomed to hunger, brutal treatment, and, in the end, to an agonizing death.

I shall dwell later on the inhuman and barbarous directives, edicts, and orders of the Hitlerite Government and the Supreme Command, which were issued for the purpose of effecting the deportation of Soviet persons to German slavery and for which the defendants now being prosecuted are responsible, particularly Göring, Keitel, Rosenberg, Sauckel, and others. Documents at the disposal of the Soviet Prosecution, captured by the Red Army from the staffs of the smashed Germano-fascist armies, demonstrate the defendants to have perpetrated these crimes.

In a report read at a meeting of the German Labor Front in November 1942, Rosenberg presented facts and figures confirming the vast scale of the deportation of Soviet citizens to slave and serf labor in Germany which were organized by Sauckel.

On 7 November 1941 a secret conference took place in Berlin, at which Göring gave directives to his officials concerning the utilization of Soviet citizens for forced labor. These directives came to our knowledge from a document which is Secret Circular Number 42006/41 of the Economic Staff of the German Command in the East, dated 4 December 1941. This is how these directives run:

> "1. Russians must be used chiefly for road and railway construction, cleaning-up operations, demining and airfield construction. German construction battalions must be disbanded (for instance those of the air force). Skilled German workers must work in war production; they must not dig and break stones—the Russian is there for that purpose.
>
> "2. It is essential to utilize the Russian primarily for the following types of work: Mining, road construction, war production (tanks, guns, aircraft equipment), agriculture, building, in large workshops (shoemaking) and in special detachments for urgent unforeseen jobs.
>
> "3. In taking measures to keep order, the decisive considerations are speed and severity. Only the following types of punishment, without any intermediate punitive sanctions, will be imposed: deprivation of food or death by sentence of court-martial."

The Defendant Fritz Sauckel was appointed Plenipotentiary General for the Allocation of Labor by Hitler's order of 21 March 1942. On 20 April 1942 Sauckel sent to several government and military organs his top-secret "Program of the Plenipotentiary General for the Allocation of Labor," which is no less foul than the circular referred to above. This is what is said in the "Program":

> "It is extremely necessary fully to utilize the human reserves available in occupied Soviet territories. If attempts to attract the necessary labor voluntarily do not succeed, it will be necessary to resort immediately to recruitment or to the compulsory signing of individual contracts.
>
> "Besides the prisoners of war we already have, and who are still located in the occupied territories, there is need mainly for the recruitment of skilled male and female civilian workers over 15 years of age from the Soviet provinces for utilization in Germany.
>
> "In order that the burden on the overworked German peasant woman should be noticeably lightened, the Führer has ordered me to bring 400,000 to 500,000 selected, healthy, and strong girls to Germany from the Eastern territories."

Yet another secret document concerning the utilization of women workers from the Eastern territories, for domestic labor in Germany, has been presented to the Tribunal by the Prosecution. This document is composed of excerpts from the report on a meeting held by Sauckel on 3 September 1942. I quote some of these excerpts:

> "1. The Führer has ordered that between 400,000 and 500,000 Ukrainian women aged between 15 and 35 be brought immediately for domestic labor.
>
> "2. The Führer has expressed categorically his desire that a large number of these girls . . . be Germanized.
>
> "3. It is the Führer's will that, in 100 years' time, 250 million German-speaking people should live in Europe.
>
> "4. . . . to consider these women workers from the Ukraine as workers from the East, and to put the sign 'Ost' "—East—"on them.
>
> "5. Gauleiter Sauckel added that apart from the introduction of women workers for domestic labor it was intended to utilize an additional million workers from the East.
>
> "6. References to the difficulty of bringing stocks of grain to Germany from other countries did not worry him (Sauckel) at all. He would find ways and means to utilize Ukrainian grain and cattle, even if he would have to mobilize all the Jews in Europe and make of them a living chain of conveyors to get all the necessary boxes to the Ukraine."

Foreseeing the inevitability of the failure of existing measures to recruit Soviet citizens by force for labor in Germany, Sauckel ordered, in a secret directive of 31 March 1942, Number FA 578028/729:

> "The recruitments for which you are responsible must be enforced by all available means, including the severe application of the principle of compulsory labor."

Sauckel and his agents used all possible methods of pressure and terror to carry out the plans of recruitment. They starved the Soviet citizens condemned to this recruitment, lured them to the stations under pretense of distribution of bread, surrounded them with soldiers, loaded them into trains under the threat of shooting them, and took them to Germany. But even these coercive methods did not help. The recruitment was not successful. Then Sauckel and his agents had recourse to a quota system. This is testified to by an order of a German commandant, captured by the Red Army forces when the occupied part of the Province of Leningrad was liberated. It runs as follows:

> "To the mayors of village communities. . . . Since a very small number of people have so far presented themselves for labor

> in Germany, every mayor of a village community must, in accord with the elders of the villages, provide 15 or more persons from each village community for labor in Germany. Healthy people aged between 15 and 50 must be provided."

The chief of the political police and of the Security Service in Kharkov stated in his report on the situation in the town of Kharkov, covering the period from 24 July to 9 September 1942:

> "The recruitment of labor is worrying the competent agencies, since an extremely antagonistic attitude to transportation for work in Germany is observed among the population. At present the situation is such that everyone tries by every available means to escape recruitment (malingering, escape into the forests, bribery of officials, *et cetera).* As for working in Germany voluntarily, this has been out of the question for a long time past."

That citizens deported to German slavery were subjected to the most brutal treatment is shown by a vast quantity of complaints and statements collected by the Extraordinary State Commission of the Soviet Union for ascertaining and investigating the crimes of the Germano-fascist invaders.

Polish, Czechoslovak, and Yugoslav citizens deported to German slavery suffered the same fate.

In carrying out their plans of conquest and plunder, the Hitlerites systematically destroyed towns and villages, destroyed the treasures created by labors of many generations and plundered the peaceful population. Together with their accomplices—the criminal Governments of Finland and Romania—the Hitlerites developed their plans for the destruction of the largest cities of the Soviet Union. A document, emanating from the naval war staff, dated 29 September 1941 and entitled "The Future of the City of Leningrad," contains the following statement:

> "The Führer has decided to wipe the city of Leningrad from the face of the earth. Finland has also declared clearly that she is not interested in the further existence of the city in the immediate vicinity of her new boundary."

On 5 October 1941 Hitler addressed a letter to Antonescu, the special object of which was to co-ordinate their plans for seizing and destroying the city of Odessa.

An order of the German Commander-in-Chief, dated 7 October 1941 and signed by the Defendant Jodl, prescribed that Leningrad and Moscow should be wiped from the face of the earth.

> "In the case of all other towns, too"—states the order—"the rule should hold that, prior to their occupation, they should be reduced to ruins by artillery fire and by air raids. It is

> inadmissible that a German soldier's life should be risked in order that Russian towns be saved from fire."

These directives of central German authorities were widely applied by military commanders of all ranks. Thus an order to the 512th German Infantry Regiment, signed by Colonel Schittnig, prescribes that the regions and districts conquered by the Hitlerites be turned into a desert area. In order that this crime should lead to the most destructive results, the order gives a detailed plan for the annihilation of inhabited localities.

> "Preparations for the destruction of inhabited localities"—the order states—"should be made in such a manner that: (a) No suspicion be aroused among the civilian population, prior to announcement; (b) it should be possible to start the destructions at once, by one blow, at an appointed time.... On the day designated, particularly strict watch should be kept on inhabited localities so as not to allow any civilians to leave them, especially from the moment the announcement regarding the destruction is made."

An order by the commander of the 98th German Infantry Division, dated 24 December 1941, is even entitled, "Program of Destruction." This order gives concrete directions regarding the destruction of a number of inhabited localities and suggests that:

> "Available stocks of hay, straw, food supplies, *et cetera,* are to be burnt. All stoves in homes should be put out of action by hand grenades so that their further use be made impossible. On no account is this order to fall into the hands of the enemy."

Special squads of fire raisers (torch bearers) were formed, which set fire to the treasures created by the labor of generations.

Your Honors, I wish to draw your attention to the document known as "Directives for the Control of Economy in the Newly Occupied Eastern Territories"—the "Green File." Göring is the author of these directives. This secret document is dated "Berlin, June 1941." I will quote only a few excerpts from it. The first quotation is:

> "Pursuant to the Führer's"—Hitler's—"orders, it is necessary to take all measures for the immediate and full exploitation of the occupied territories for Germany's benefit. To obtain for Germany the largest possible amount of food supplies and crude oil—such is the main economic objective of the campaign. At the same time German industry must also be supplied with other kinds of raw materials from the occupied territories. The first task is to supply the German armies with the utmost speed entirely from the resources of the occupied territories."

Second quotation:

> "The opinion that the occupied territories should be restored to order as soon as possible, and their economy re-established, is quite out of place.... The... restoration of order must take place only in those areas from which we can obtain considerable supplies of agricultural products and crude oil; in others ... economic activity must be limited to the exploitation of such stocks as are discovered."

Third quotation:

> "All raw materials, semimanufactured, and finished goods must be withdrawn from the markets by means of orders, requisitions, and confiscations. Platinum, magnesium, and rubber should be collected immediately and removed to Germany. Foodstuffs, as well as articles of domestic and personal use, and clothing discovered in the combat zone and in the rear areas, are to be placed, in the first instance, at the disposal of the economic detachments to satisfy the needs of the armies.... What is rejected by them will be passed on to the next highest war economy agency."

As I have already said at the beginning, the main objective of the German aggression against the Soviet Union was to plunder the Soviet country and to obtain the economic resources necessary for Hitlerite Germany, without which she could not carry out her imperialistic plans of aggression.

Göring's Green File represented the extensive program, developed beforehand by the fascist conspirators, for the organized plunder of the Soviet Union.

This program laid down in advance concrete plans for plunder: The forcible confiscation of valuables, the organization of slave labor in our cities and villages, the abolition of ages in industrial establishments, the uncontrolled issue of completely insecure currency, *et cetera.* To materialize this program of plunder, the creation of special machinery was provided with its own economic command, economic staffs, its own intelligence, inspectorate, army units, detachments for collecting means of production, detachments for collecting raw materials, military agronomists, agricultural officers, *et cetera.*

Together with the advancing German armies, there also moved detachments of the economic departments of the Army, whose task was to determine the available supplies of grain, cattle, fuel, and other property. These detachments were subordinated to a special economic inspectorate which had its seat in the rear areas.

Soon after the attack on the U.S.S.R. Hitler's decree of 29 June 1941 placed the entire control of the loot of occupied territories in the hands of the Defendant Göring. By this decree Göring was given the right to take "all measures necessary for the maximum utilization of all stocks discovered and of the country's economic capacity in the interests of German war economy." The Defendant Göring directed the predatory activities of the German military and economic detachments with the greatest zeal.

At a conference held on 6 August 1942 with the Reich commissioners and representatives of the military command, Göring demanded that the plunder of occupied territories be intensified:

> "You are sent there"—Göring pointed out—"not to work for the benefit of the peoples entrusted to you, but in order to pump out of them all that is possible."—And further on—"I intend to plunder and to plunder effectively."

As established by the Extraordinary State Commission of the Soviet Union, these directives of Göring were carried out by the Reich ministers and representatives of German firms, under whose control were various kinds of economic groups, technical battalions, economic staffs, and economic inspectorates. Particularly active in the plunder of property of the Soviet Union were the German firms Friedrich Krupp A.G.; Hermann Göring; Siemens-Schuckert; the Mining and Metallurgical Company "Ost"; the Corporation "Nord"; Heinrich Lanz; Landmaschinenbauindustrie; I. G. Farbenindustrie, and many others.

While they plundered and pillaged state and private property, the Hitlerite invaders doomed to starvation and death the population of the districts thus plundered. Field Marshal Reichenau's order of 10 October 1941, which was distributed as a model among all German units together with a note saying that Hitler considered it an excellent order, contained the following incitement to plunder and exterminate the population, "To supply local inhabitants and prisoners of war with food is an act of unnecessary humanity."

The notes on the conference held in Rovno, from 26 to 28 August 1942, which were discovered in Defendant Rosenberg's files, state:

> "The object of our work is to make the Ukrainians work for Germany; we are not here to make these people happy. The Ukraine can give us what is lacking in Germany. This object must be achieved irrespective of losses."

Following the directives of the Defendant Göring, the local authorities mercilessly and completely plundered the population of the occupied territories. An order discovered at a number of places in the Kursk and Orel districts by units of the Red Army contains a list of property to be handed over to the military authorities. Things like scales, sacks, salt, lamps, saucepans, oilcloth, blinds, and gramophones with records are mentioned in the order. "All this property," the order states, "must be delivered to the commander. Those guilty of infringing this order will be shot."

'In their fierce hatred of the Soviet people and their culture, the German invaders destroyed scientific and artistic institutions, historical and cultural monuments, schools and hospitals, clubs and theaters.

"No historic or artistic treasures in the East", Field Marshal Reichenau decreed in his order, "are of importance."

The destruction of historical and cultural treasures carried out by the Hitlerites assumed vast proportions. Thus, in a letter of 29 September 1941 from the Plenipotentiary General for Bielorussia to Rosenberg, it is stated:

> "According to the report of the major of the 707th Division, who today handed over to me the remaining treasures, the SS men left the rest of the pictures and works of art to be plundered by the armed forces; these included extremely valuable pictures and furniture dating from the 18th and 19th centuries, vases, marble sculptures, *et cetera*....
>
> "...the museum of history was also completely destroyed. From the geographical section, valuable precious and semi-precious stones were looted. In the university, scientific instruments to a total value of hundreds of thousands of marks were senselessly smashed or stolen."

In the territory of those districts of the Moscow province which were temporarily occupied by the fascists, the occupants destroyed and looted 112 libraries, 4 museums, and 54 theaters and cinemas. The Hitlerites looted and burnt the famous museum at Borodino, whose historical relics pertaining to the patriotic war of 1812 are particularly dear to the Russian people. In the small village of Polotnyanny Zavod the occupants looted and burnt Pushkin's house, which had been turned into a museum. The Germans destroyed manuscripts, books and pictures which had belonged to Leo Tolstoy at Yasnaya Polyana. The German barbarians desecrated the grave of the great author.

The occupants looted the Bielorussian Academy of Science housing extremely rare collections of historic documents and books, and destroyed hundreds of schools, clubs, and theaters in Bielorussia (White Russia).

From the Pevlovsk Palace in the town of Slutzk the extremely valuable palace furniture, made by outstanding craftsmen of the 18th century, was removed to Germany. From the Peterhof palaces the Germans removed all the remaining sculptured and carved ornaments, carpets, pictures, and statues. The Great Palace of Peterhof, constructed in the reign of Peter I, was barbarously burnt after it had been looted. The German vandals destroyed the State Public Library at Odessa, containing over 2 million volumes.

At Tchernigov a famous collection of Ukrainian antiquities was looted. At the Kievo-Petchersk Monastery the Germans seized documents from the archives of the metropolitans of Kiev and books from the private library of Peter Mogila, who had collected extremely valuable works on world literature. They looted the precious collections of the Lvov and Odessa museums and removed to Germany or partially destroyed the treasures of the libraries of Vinnitza and Poltava, where extremely rare copies of medieval literary manuscripts, the first printed editions of the 16th and the 17th centuries, and ancient missals were kept.

The wholesale plunder in the occupied regions of the U.S.S.R., carried out on direct orders of the German Government, was not only directed by the Defendants Göring and Rosenberg and by the various staffs and detachments subordinated to them, but the Ministry for Foreign Affairs, with the Defendant Ribbentrop at its head, also took part in the looting through a special organization.

The statement by Obersturmführer, Dr. Norman Förster of the 4th Company, Special Task Battalion of the SS Troops (Waffen SS), published by the press at that time, bears witness of the fact. Förster stated in his deposition:

> "In August 1941, while I was in Berlin, I was detached from the 87th Antitank Division and assigned to the Special Task Battalion of the Ministry for Foreign Affairs, through the help of Dr. Focke, an old acquaintance of mine at Berlin University, who was then working in the Press Division of the Ministry for Foreign Affairs. This battalion was formed on the initiative of Foreign Minister Ribbentrop, and acted under his direction..., The task of this Special Task Battalion consisted in seizing, immediately after the fall of large cities, their cultural and historical treasures, libraries of scientific institutions, selecting valuable editions of books and films, and then sending all these to Germany."
>
> And further:
>
> "We obtained rich trophies in the library of the Ukrainian Academy of Science, treasuring the rarest Persian, Abyssinian, and Chinese manuscripts, Russian and Ukrainian chronicles, the initial copies of books printed by the first Russian printer, Ivan Fyodorov, and rare editions of works by Shevtchenko, Mitzkevitch, and Ivan Franko."

Side by side with the barbarous destruction and looting of villages, towns, and national cultural monuments, the Hitlerites also mocked the religious feelings of the believers among the Soviet population. They burnt, looted, destroyed, and desecrated on Soviet territory 1,670 Greek Orthodox churches, 237 Roman Catholic churches, 69 chapels, 532 synagogues, and 258 other buildings belonging to religious institutions.

They destroyed the Uspensky Church of the famous Kievo-Petchersky Monastery, built in 1073, and with it eight monastery buildings. At Tchernigov, the Germano-fascist armies destroyed the ancient Borisoglebsky Cathedral, built at the beginning of the 12th century, the Cathedral of the Efrosiniev Monastery of Polotzk, built in 1160, and the Church of Paraskeva-Piatniza-in-the-Market, an extremely valuable monument of 12th century Russian architecture. At Novgorod the Hitlerites destroyed the Antoniev, Khutynsky, Zverin, Derevyanitzky and other ancient monasteries, the famous church of Spas-Nereditza, and a series of other churches.

The German soldiers scoffed at the religious feelings of the people. They dressed up in church vestments, kept horses and dogs in the churches, and made bunks out of the icons. In the ancient Staritzky Monastery, units of the Red Army found the naked bodies of tortured Red Army prisoners of war, stacked in piles.

The damage inflicted on the Soviet Union as a result of the destructive and predatory activities of German army units is extremely great.

The German armies and occupational authorities, carrying out the orders of the criminal Hitlerite Government and of the High Command of the Armed Forces, destroyed and looted Soviet towns and villages and industrial establishments and collective farms seized by them; destroyed works of art, demolished, stole, and removed to Germany machinery, stocks of raw and other materials and finished goods, art and historic treasures, and carried out the general plundering of the urban and rural population. In the occupied territories of the Soviet Union 88 million persons lived before the war; gross industrial production amounted to 46 million rubles (at the fixed Government prices of 1926-27); there were 109 million head of livestock, including 31 million head of horned cattle and 12 million horses; 71 million hectares of cultivated land, and 122,000 kilometers of railway lines.

The German fascist invaders completely or partially destroyed or burned 1,710 cities and more than 70,000 villages and hamlets; they burned or destroyed over 6 million buildings and rendered some 25 million persons homeless. Among the damaged cities which suffered most were the big industrial and cultural centers of Stalingrad, Sevastopol, Leningrad, Kiev, Minsk, Odessa, Smolensk, Novgorod, Pskov, Orel, Kharkov, Voronezh, Rostov-on-Don, and many others.

The Germano-fascist invaders destroyed 31,850 industrial establishments employing some 4 million workers; they destroyed or removed from the country 239,000 electric motors and 175,000 metal cutting machines.

The Germans destroyed 65,000 kilometers of railway tracks, 4,100 railway stations, 36,000 post and telegraph offices, telephone exchanges, and other installations for communications.

The Germans destroyed or devastated 40,000 hospitals and other medical institutions, 84,000 schools, technical colleges, universities, institutes for scientific research, and 43,000 public libraries.

The Hitlerites destroyed and looted 98,000 collective farms, 1,876 state farms, and 2,890 machine and tractor stations; they slaughtered, seized or drove into Germany 7 million horses, 17 million head of horned cattle, 20 million pigs, 27 million sheep and goats, and 110 million head of poultry.

The total damage caused to the Soviet Union by the criminal acts of the Hitlerite armies has been estimated at 679,000 million rubles at the Government prices of 1941.

All the defendants prepared, organized, and perpetrated indescribable and blasphemous crimes, such as have never before been committed in history, against humanity and against the principles of human ethics and of international law.

In the statement of the offense in Count Four of the Indictment, it is rightly pointed out that the very plan or conspiracy was organized also for committing Crimes against Humanity. The fascist conspirators started committing Crimes against Humanity from the moment of the formation of the Hitler Party. These crimes attained vast proportions after the coming into power of the Hitlerites.

The concentration camp of Buchenwald, set up in 1938, and the camp at Dachau, established in 1934, turned out to be only the anemic prototypes of Maidanek, Auschwitz, Slavuta, and numerous death camps, set up by the Hitlerites in the territories of Latvia, Bielorussia, and the Ukraine.

The very coming into power of the Hitlerites was marked by many provocations which served as an excuse for committing grave Crimes against Humanity. Inflicting punishments without due process of law by the Hitlerites upon all who did not share the ideology of the fascist clique became widespread.

> "We deny the protection of law to the enemies of the people. We National Socialists knowingly take a stand against false soft-heartedness and false humaneness. We do not recognize the sophistry of tricky lawyers and cunning juridical

> subtleties"—wrote Göring, as early as 1934, in an article published overseas in the Hearst press. (Göring, Hermann, *Reden und Aufsätze,* Zentralverlag der NSDAP, Munich, 1940, Page 159.)

In one of the articles, dated 1933, Göring regarded it as his special merit that he had reorganized the entire management of the Gestapo, having placed the Secret Police under his immediate control and organized concentration camps to be used in fighting political opponents.

> "Thus"—spoke Göring—"arose the concentration camps in which we soon had to stick thousands of people belonging to the Communist and Social Democratic Party machines."

At the disposal of the Soviet Prosecution are the notes of Martin Bormann, found in the archives of the German Foreign Office and captured by the Soviet troops in Berlin, on the conference held by Hitler on 2 October 1940. This document refers to occupied Poland. It will be submitted to the Tribunal. At the moment I shall only quote from it a few points of the Hitlerite leadership program. The conference started with the statement by Frank that his activities as Governor General could be considered very successful: The Jews in Warsaw and other cities were locked up in ghettos. Very soon Kraków would be entirely cleared of Jews.

> "There must be no Polish gentry"—the document went on to state—"wherever they may be, they must be exterminated, no matter how brutal this may sound.
>
> "... all representatives of the Polish intelligentsia must be exterminated. This sounds brutal, but such is the law of life.... Priests will be paid by us and, as a result, they will preach what we want. If we find a priest acting otherwise short work is to be made of him. The task of the priest consists in keeping the Poles quiet, stupid, and dull-witted. This is entirely in our interests. The lowest German workman and the lowest German peasant must always stand above any Pole economically."

A special place among the unheard-of crimes of the Hitlerites is occupied by the bloody butchery of the Slavic and Jewish peoples. Hitler said to Rauschning:

> "After all these centuries of whining about the protection of the poor and the lowly, it is about time we decided to protect the strong against the inferior. It will be one of the chief tasks of German statesmanship for all times to prevent, by every means in our power, the further increase of the Slav races. Natural instincts bid all living beings not merely to conquer their enemies but to destroy them. In former days

> it was the victor's prerogative to destroy entire tribes, entire peoples." (Rauschning, H., *The Voice of Destruction*, New York, 1940, Page 138.)

If Your Honors please, you have already heard the testimony of the witness, Eric Von dem Bach-Zelewski, about Himmler's aims, as given by him in his speech at the beginning of 1941.

In answer to a question by a representative of the Soviet Prosecution, the witness declared, "Himmler mentioned in his speech that it was necessary to cut down the number of Slavs by 30 million." The Tribunal will see by this what monstrous proportions the criminal ideas of the Hitlerite fanatics attained.

The Hitlerites vented their ferocity particularly on the Soviet intelligentsia. Even before the attack on the U.S.S.R., directives were prepared regarding the merciless annihilation of Soviet people for political and racial reasons. In Appendix 2 to Operational Order Number 8 of the Chief of the Security Police and SD, dated 17 June 1941, it was stated:

> "It is above all essential to ascertain the identity of all prominent Government and party officials, particularly professional revolutionaries, persons working for the Comintern, all influential members of the Communist Party of the U.S.S.R. and the affiliated organizations in the Central Committee and the district and regional committees, all people's commissars and their deputies, all former political commissars in the Red Army, leading personalities of the state institutions of the central and middle administrative levels, leading personalities in economic life, the Soviet Russian intelligentsia, and all Jews."

In a directive of 17 June 1941 for Security Police and SD detachments it is pointed out that it is necessary to take such measures, not only against the Russian people, but also against the Ukrainians, Bielorussians, Azerbaidzhanians, Armenians, Georgians, Turks, and other nationalities.

The Soviet Prosecution will present to the Tribunal actual documents and facts in this connection. The fascist conspirators planned the extermination to the last man of the Jewish population of the world and carried out this extermination throughout the whole of their conspiratorial activity from 1933 onwards.

My American colleague has already quoted Hitler's statement of 24 February 1942, that "the Jews will be annihilated." In a speech by the Defendant Frank, published in the *Kraków Gazette* on 18 August 1942, it is stated:

> "Anyone who passes through Kraków, Lvov, Warsaw, Radom, or Lublin today must in all fairness admit that the

> efforts of the German administration have been crowned with real success, as one now sees hardly any Jews."

The bestial annihilation of the Jewish population took place in the Ukraine, in Bielorussia, and in the Baltic States. In the town of Riga some 80,000 Jews lived before the German occupation. At the moment of the liberation of Riga by the Red Army there were 140 Jews left there.

It is impossible to enumerate in an opening statement the crimes committed by the defendants against humanity. The Soviet Prosecution has at its disposal considerable documentary material which will be presented to the Tribunal.

If Your Honors please, I here appear as the representative of the Union of the Soviet Socialist Republics, which bore the main brunt of the blows of the fascist invaders and which vastly contributed to the smashing of Hitlerite Germany and its satellites. On behalf of the Soviet Union, I charge the defendants on all the counts enumerated in Article 6 of the Charter of the International Military Tribunal.

Together with the Chief Prosecutors of the United States of America, Great Britain, and France, I charge the defendants with having prepared and carried out a perfidious attack on the peoples of my country and on all freedom-loving nations.

I accuse them of the fact that, having initiated a world war, they, in violation of the fundamental rules of international law and of the treaties to which they were signatories, turned war into an instrument of extermination of peaceful citizens—an instrument of plunder, violence, and pillage.

I accuse the defendants of the fact that, having proclaimed themselves to be the representatives of the "master race," a thing which they have invented, they set up, wherever their domination spread, an arbitrary regime of tyranny; a regime founded on the disregard for the elementary principles of humanity.

Now, when as a result of the heroic struggle of the Red Army and of the Allied forces, Hitlerite Germany is broken and overwhelmed, we have no right to forget the victims who have suffered. We have no right to leave unpunished those who organized and were guilty of monstrous crimes.

In sacred memory of millions of innocent victims of the fascist terror, for the sake of the consolidation of peace throughout the world, for the sake of the future security of nations, we are presenting the defendants with a just and complete account which must be settled. This is an account on behalf of all mankind, an account backed by the will and the conscience of all freedom loving nations.

May justice be done!

THE PRESIDENT: We shall now adjourn. General Rudenko, your delegation will be prepared to go on after the adjournment, will you not?

GEN. RUDENKO: Yes. I would also prefer that there should now be an adjournment.

THE PRESIDENT: Do you mean an adjournment altogether for the day or what the Tribunal proposed, to adjourn now for 10 or 15 minutes, then continue until 5 o'clock? Would that not be convenient to you?

GEN. RUDENKO: All right; yes, Sir.

[A recess was taken.]

GEN. RUDENKO: If it please Your Honors, Colonel Karev will report on the order of submitting the documents to the Tribunal.

COLONEL D. S. KAREV (Assistant Prosecutor for the U.S.S.R.): The Soviet Prosecution begins its presentation of evidence on all counts of the Indictment. The Tribunal is already familiar with the large number of important documents presented on behalf of the Prosecution by our honorable colleagues. On its own part the Soviet Prosecution has at its disposal numerous documents relating to the criminal activities of the fascist conspirators.

In connection with Count One, dealing with the Crimes against Peace, we shall submit the following types of documents: Administrative regulations by the German authorities, orders and plans by the German military command, diaries and personal archives of several of the leaders of the fascist party and the German Government, as well as other documents. These documents were in part found by units of the Red Army on German soldiers and officers, or were discovered in concentration camps and in offices of German authorities.

In connection with Counts Two and Three, that is, War Crimes and Crimes against Humanity, we shall offer in evidence, in the first place, the reports and files of the Extraordinary State Commission of the Soviet Union for the determination and investigation of crimes committed by the German fascist invaders and their accomplices. This commission was set up by the decree of the Presidium of the Supreme Soviet of the U.S.S.R., dated 2 November 1942. For local work there were set up state, regional, district, and municipal commissions to assist in the work of the Extraordinary State Commission of the Soviet Union for the determination and investigation of the misdeeds committed by the Germano-fascist invaders. Both the central office, as well as the local offices of the Extraordinary State Commission, were composed of prominent statesmen and representatives of different public scientific and cultural organizations, as well as of religious denominations. The Extraordinary State Commission, through its representatives and with the assistance of representatives of local groups and local state authorities has collected and checked data and drawn up protocols on the atrocities of the German invaders and on the damage caused to the Soviet Union and its citizens. Counting only the crimes committed by the Germano-fascist monsters against the peaceful citizens of the Soviet Union, 54,784 files were drawn up. In accordance with Article 21 of the Charter of the International Military Tribunal, these files represent unquestionable evidence. Of all these files of the Extraordinary State Commission, only an insignificant number will at present be submitted to the Tribunal by the Soviet Prosecution. In the possession of the Soviet Prosecution are also photographs showing the atrocities and destruction committed by the German invaders in the temporarily occupied territories of the U.S.S.R. Part of these photographs will be submitted to the Tribunal. Several documentary films will be offered to the Tribunal in evidence by the Soviet Prosecution. In submitting evidence relating to War Crimes committed by the conspirators, the Soviet Prosecution will also use several German documents, photographs, and films which were captured from the Germans.

The Soviet Prosecution will also submit evidence relative to crimes committed by the defendants and their accomplices against Czechoslovakia, Poland, and Yugoslavia. Out of this evidence special mention must be made of the official report by the Czechoslovakian Government entitled "German Crimes against Czechoslovakia." This report was prepared on the direction of the Czechoslovakian Government by the Envoy Extraordinary and Minister Plenipotentiary, Dr. Boguslav Ecer, the representative of Czechoslovakia in the United Nations Commission for Investigation of War Crimes. There are documents appended to the official report on German crimes against Czechoslovakia. Among these documents there are laws, decrees, orders, *et cetera,* issued and officially published by the Germano-fascist authorities; documents from the archives of the Czechoslovak Government; and affidavits by persons who held prominent positions in Czechoslovakia during the occupation. There will be shown a special film concerning the destruction of Lidice. It was, in its time, prepared by official German agencies. The film was found by officials of the Czechoslovakian Ministry of the Interior. The official report on the German crimes against Czechoslovakia, as well as the documents appended thereto, on the strength of Article 21 of the Charter of the International Military Tribunal, represent unquestionable evidence and will be presented to the Tribunal as Exhibit USSR-60 (Document Number USSR-60).

The Soviet Prosecution will likewise present evidence regarding the crimes perpetrated by the conspirators in Poland. The basic document to be presented on this subject by the Soviet Prosecution will be the report of the Polish Government dated 22 January 1946. The official documents of the Polish Government were the primary source of the report of the Polish Government on the German crimes committed in Poland. Both the official report of the Polish Government and the documents appended thereto, on the strength of Article 21 of the Charter of the International Military Tribunal, represent unquestionable evidence.

And finally, the Soviet Delegation will present to the Tribunal documents concerning the crimes of German invaders committed on Yugoslav territory. The investigation of the criminal activity of the German Command and of the German occupational authorities in Yugoslavia was carried out by the Yugoslav State Commission for the investigation of crimes committed by the German occupants. The commission was created on 29 November 1943 by a decision of the Yugoslav Anti-Fascist Committee for the National Liberation of Yugoslavia. This commission, which from the beginning has always been presided over by Dr. Doushan Nedelkovitsch, professor at Belgrade University, started its work when a part of Yugoslavia was still under the domination of the German, Italian, Hungarian, and other occupants. Besides the Yugoslav State Commission, the investigation of the crimes committed by the Germano-fascist invaders was carried out by eight specially created federal commissions, as well as by district and regional commissions. On the strength of the material collected, the Yugoslav State Commission has issued 53 communiqués describing the atrocities committed by the German occupants and submits its report dated 26 December 1945. This report represents unquestionable evidence, and is submitted by us as Exhibit USSR-36 (Document Number USSR-36).

It is my duty to mention that documentary evidence which has been already presented by our honorable American, British, and French colleagues will, to some extent, be used by the representatives of the Soviet Prosecution.

May it please Your Honors, in conclusion I would like to make known to the Tribunal the order in which the prosecutors from the U.S.S.R. will present their case.

The Count dealing with the Crimes against Peace (aggression against Czechoslovakia, Poland, and Yugoslavia) will be presented by Colonel Pokrovsky, the U.S.S.R. Deputy Chief Prosecutor.

The Count dealing with the aggression against the U.S.S.R. will be presented by State Counsellor of Justice, Third Class, Zorya.

Thereupon, Colonel Pokrovsky will present to the Tribunal the crimes committed in violation of the laws and customs of war relating to the treatment of prisoners of war.

The Count on crimes against the peaceful population of the U.S.S.R., Czechoslovakia, Poland, and Yugoslavia will be presented by Chief Counsellor of Justice Smirnov.

Report on the subject of the plunder of private, public, and state property will be made by General Shenin, State Counsellor of Justice of the Second Class.

Report on the plunder and destruction of cultural treasures and wanton destruction and annihilation of towns and villages will be presented by Raginsky, State Counsellor of Justice of the Second Class.

State Counsellor of Justice of the Third Class Zorya will speak on the subject of forced labor and deportation into German slavery.

Finally, Chief Counsellor of Justice Smirnov will present the report on the last subject, Crimes against Humanity.

I now end my statement.

COLONEL Y. V. POKROVSKY (Deputy Chief Prosecutor for the U.S.S.R.): Your Honors, Mr. President, the opening statements of the Chief Prosecutor have dealt with the question of how fascist Germany pursued the ideological preparation for aggressive war.

The connection between Hitlerite propaganda and acts of aggression against peace was also revealed in the statement of the U.S.S.R. Chief Prosecutor. Therefore may I be allowed to quote just one short extract from Horst von Metzsch's book entitled *Krieg als Saat (War as Seed)*, which was published in Breslau in 1934. I quote:

> "It is impossible to conceive of the National Socialist movement without war. German soldier glory is its father; its finest musketeer is its leader; and war's hardy spirit is its soul."

That is not just a phrase dropped by a garrulous fascist penman; that is a program which is blurted out. War, and only war, was considered by the Hitlerite conspirators as the most effective means of attaining the objectives of their foreign policy. It is, therefore, only natural that Germany was turned into an armed camp and became a constant menace to her neighbors after the fascists had seized power in the country.

The East was the first objective of the fascist conspirators.

In his book *Mein Kampf*—it is already at the disposal of the Tribunal—Hitler wrote, as far back as 1930—in that document book which is now being handed to each member of the Tribunal, you will find the passage I am quoting from *Mein Kampf* in Volume I, Page 1—I consider it advisable to inform the Tribunal that for its convenience all the passages which I shall quote are marked in red pencil.

I quote: "The movement eastwards is continuing, even though Russia must be erased from the list of European powers," (Page 732, of *Mein Kampf,* 1930 edition).

Hypocritically proclaiming her love of peace and giving all her neighbors assurances of her intention to live in peace with them, Hitlerite Germany merely strove to conceal her real, her ever-present aggressive intentions. The conspirators gladly concluded any agreement on arbitration, non-aggression, *et cetera.* They did it not because they were really striving for peace, but with the sole intention of waiting for a suitable moment to strike the next treacherous blow and of lulling to sleep the vigilance of the nations. Having committed one of their scheduled aggressive acts, they strove with still greater energy to convince everybody that from now on they had no further aggressive plans. A combination of hypocrisy and fraud, of treason and aggression, ruled the entire system of German foreign policy.

With incredible insolence the fascist conspirators violated all their international obligations, all their international agreements, including those which directly prohibited the use of war as a solution of international disputes. Not one of the wars provided by the Hitlerites can be classified under the concept of defensive wars. In every instance the Germano-fascists acted as aggressors. They admitted, themselves, that they did not hesitate to resort to provocation in order to have an excuse for attacking their next victim at the most propitious moment.

Count Two of the Indictment contains a complete list of the wars which were provoked, prepared, initiated, and waged by the fascist conspirators.

The insane imagination of the Hitlerites visualized the East as a paradise for the fascist invaders, a paradise built on the bones and blood of the millions of people who inhabited these lands.

Sir David Maxwell-Fyfe has informed the Tribunal that the Soviet Delegation would submit some new evidence regarding the criminal conspiracy against peace, and also warned you that certain repetitions could not be avoided. While striving to reduce these repetitions to a minimum, I wish to draw the attention of the Tribunal to some of the documents relating to the criminal aggression of the fascist conspirators.

As documentary evidence I submit to the Tribunal Exhibit USSR-60 (Document Number USSR-60), an official Czechoslovak report. It begins with the following significant phrase—and this phrase will be found on Page 10 of the document book, Volume I, Part 1, and is marked in red pencil: "Czechoslovakia was an obstacle to the German 'Drang nach Osten' (Drive to the East) or to the domination of Europe." That is followed by an analysis of the strategic and political aspects of the aggression against Czechoslovakia.

THE PRESIDENT: Colonel Pokrovsky, when you want to put in a document in evidence, you will produce the original document, will you not, and hand it to the Secretary of the Tribunal?

COL. POKROVSKY: As I stated, this (Document Number USSR-60) is followed by an analysis of the strategic and political aspects of the aggression against Czechoslovakia. I quote, beginning with the second sentence of Subparagraph (a), which for convenience is marked with a red pencil. I quote:

> "Czechoslovakia was indeed of foremost strategic importance as a natural obstacle and a fortress against a military drive towards the Danube basin, and from there eastwards, across the eastern Carpathians and along the valley of the Danube, towards the Balkans."

The gist of Subparagraph (b) is that Czechoslovakia was a democratic country; and finally Subparagraph (c) gives an analysis of Czechoslovakia from the national point of view. I shall quote this subparagraph as it is formulated in the report. You will find this in Volume I, Part 1, end of Page 11 and beginning of Page 12:

> "c. From the national point of view, Czechoslovakia, as far as the vast majority of its population is concerned, was a Slav country, intensely conscious of the unity of all Slavs."

The Tribunal will remember that the annihilation of Slavism and the destruction of democratic principles was one of the basic aims of the fascist conspiracy.

The Tribunal may have noticed that the methods of execution of aggression by the Hitlerite conspirators nearly always followed the same pattern. In all cases, lightning speed and suddenness of military attack were considered indispensable. They endeavored to attain the element of surprise by giving the prospective enemy treacherous and hypocritical assurances of their sincerely peaceful intentions. Simultaneously, wide use was made of the foul system of bribery, blackmail, provocation, financing of various kinds of pro-fascist organizations, and using as paid agents unprincipled politicians and downright traitors to their respective countries.

Mr. Alderman began his presentation of documents by giving several examples of this nature. He told the Tribunal in detail and proved by documentary evidence that the representatives of the so-called Slovak autonomous movement were bought with German money—that is, one Hans Karmazin, and the same also applies to

Deputy Prime Minister Durcanski, to the notorious Tuka, and many other leaders of the Hlinka Party.

It was presented to you that at the beginning of March 1939, that is, immediately prior to the day planned for the final entry of the Nazis into Czechoslovakia, the activity of the Fifth Column reached its climax.

I believe I should present to the Tribunal certain facts about the Hitlerite organizations established for the purpose of subversive activity, and also about the part played by the SS official, Lorenz, whose name I shall mention later on in connection with the action against Czechoslovakia.

Himmler, the holder of several offices, combined in his person the position of Reichsleiter of the security units (SS) and of Reich Commissioner for the Preservation of German Nationality (Reichskommissar für die Festigung des deutschen Volkstums). As such, he was charged with the leadership of all State and Party organs within Germany, which, in turn, controlled the German settlements, the work among the Germano-fascist minorities in other countries and the remigration of Germans into Germany. In this field his executive apparatus was the so-called Volksdeutsche Mittelstelle. The leader of this organization, and therefore the actual deputy of Himmler, in this special sphere, was SS Obergruppenführer Lorenz, who will be discussed later.

There was also another criminal organization. I have in mind the foreign organization of the NSDAP (Auslands-Organisation der NSDAP), abbreviated to AO. It played an important part in creating the Fifth Column in countries which were later subjected to Hitlerite aggression.

AO united such Germans who were members of the Nazi Party living outside Germany. Apart from the wide propaganda of fascism, AO was engaged in political and other kinds of espionage. Germans living in other countries received material help through AO and maintained contact with various pro-German and espionage groups of the country in which they lived.

The sub-branches of the Hitlerite party abroad were under the guidance of German diplomatic missions. For this purpose the leader of AO, Gauleiter Ernst Wilhelm Bohle, was installed in the Ministry of Foreign Affairs with the rank of State Secretary.

There are several appendices to the official Czechoslovak report. One of them is registered under Document Number 3061-PS. It contains excerpts from the testimony of Karl Hermann Frank, former deputy of the Reich Protector. I submit this document to the Tribunal and, without reading it in its entirety, I wish to refer briefly to those parts of the document which deal with question of the Fifth Column.

At the interrogation of 9 October 1945—the Tribunal will find the passage quoted in Volume I, Part 1, Page 185 of the document book—Frank declared that in his opinion the Henlein Party received money from Germany from 1936 onwards. In 1938 it received funds from the so-called Volksdeutsche Mittelstelle in Berlin, through the German Minister in Prague. Frank confirmed that, together with Henlein, he several times visited the German Minister in Prague, who handed him and Henlein money for the Party. Frank admits that the acceptance of this money was incompatible with the duties of a Czechoslovak citizen. Frank further admitted that he visited the German Legation in Prague several times, alone, informed the German Minister of the inner political situation in Czechoslovakia and thus, considering the character of the information communicated, committed high treason.

Frank testifies—what I am now quoting will be found in Volume I, Part 1, Page 187:

> "All negotiations in the summer of 1938 between Henlein and myself on the one hand, and the Reich authorities, in particular Adolf Hitler, Hess, and Ribbentrop on the other hand, were conducted for the purpose of providing the Reich authorities with information on the development of the political situation in Czechoslovakia. These discussions took place on the initiative of the Reich authorities."

I have quoted this excerpt from Page 5 of the Russian translation, Document Number 3061-PS.

On Page 188 of your document book you will find another excerpt which I shall now submit to you. Frank confesses that he was aware of "the treason committed by the Party and its central leadership corps by receiving money from abroad for effecting measures inimical to the State."

The so-called Henlein Free Corps (Sudeten Freikorps) was established in Bohemia and Moravia. During the interrogation of 15 August 1945, Karl Hermann Frank testified that Henlein and his staff were in Tandorf Castle near Reuch. Henlein himself was the chief of staff of the corps, which bore the title "Freikorps Führers." According to Frank the Free Corps was established by Hitler's order. Part of that corps which was in the territory of the German Reich was equipped with small arms in small quantities, as stated by Frank. According to him, the Free Corps consisted of about fifteen thousand people, chiefly Sudeten Germans. We find this information on Page 3 of the Russian translation of Document Number 3061-PS. In your book it is Page 185 of Volume I, Part 1.

Among the trophies collected by our heroic Red Army are the archives of the German Ministry for Foreign Affairs. The Soviet Delegation has at its disposal new documents which I consider advisable to read in part in order to supplement the data previously submitted to the Tribunal. They are particularly interesting, if we bear in mind that one of the favorite pretexts for aggression of the Hitlerite conspirators was their intention to protect the interests of the German minorities.

I shall read an excerpt from the top-secret minutes of the meeting held in the Ministry for Foreign Affairs at noon, 29 March 1938 in Berlin especially on the subject of the Sudeten Germans. I shall refer to our Document Number USSR-271. You will find this passage on Page 196, Volume I, Part 1. I quote:

> "The conference was attended by the gentlemen mentioned in the attached list: In his opening address the Reich Minister emphasized the importance of keeping this conference strictly secret and later, referring to the Führer's instruction which he had personally given to Konrad Henlein yesterday afternoon, he stated that there were primarily two questions of importance to the political guidance of the Sudeten German Party.
>
> "1) The Sudeten Germans must know that they are backed by a German nation of 75 million inhabitants who will not tolerate any further oppression of the Sudeten Germans by the Government of Czechoslovakia.
>
> "2) It is the responsibility of the Sudeten German Party to submit to the Czechoslovak Government those demands the fulfillment of which it considered necessary to achieve the liberties it desired."

THE PRESIDENT: Colonel Pokrovsky, I am sorry to interrupt you but it is not quite clear, on the translation that has come through, whether you have deposited the original of this document and have given it an exhibit number, that is, if it has already been put in.

COL. POKROVSKY: All the documents presented by the Soviet Delegation are submitted by us to the Tribunal in Russian and they are then handed for translation to the international translators' pool, which is charged to serve the Tribunal with translation into all the other languages. This document is referred to by me in precise correspondence with its registration number—our Number USSR-271.

THE PRESIDENT: If the original document is not in Russian, it must be deposited with the Tribunal in its original condition. I do not know what the document is. It is about a conference, apparently, and I suppose the original is in German.

COL. POKROVSKY: The original document is in German.

THE PRESIDENT: If that is so, we would like to see the original in German.

COL. POKROVSKY: The photostatic copy of the original document, in the German language, is at present at the disposal of the Tribunal. May I continue?

THE PRESIDENT: One moment. Is this the original?

COL. POKROVSKY: It is a photostat.

THE PRESIDENT: I am afraid that we must insist upon having the original.

COL. POKROVSKY: The original document is at the disposal of the Soviet Government and, if the Tribunal wishes, it can be sent for and presented to the Tribunal a little later. The photostat is certified.

THE PRESIDENT: I am afraid we must have the original documents. After the original documents have been produced and exhibit numbers given to them, they will remain in the hands of the Tribunal. Of course, the subject of the translations is quite a different one, but for the purpose of insuring that we get really genuine evidence we must have the originals deposited with the General Secretary.

COL. POKROVSKY: I note the wish of the Tribunal and we shall give instruction for the original documents to be submitted to the Tribunal, although in this case we have followed the established precedent where the Tribunal considers it sufficient to accept the certified photostats. We can submit the original, but we shall have to do it somewhat later, as not all the requisite material is in Nuremberg at the present time.

THE PRESIDENT: Yes, so long as you undertake to do it. But I do not think you are right in saying that it is the practice that has been already established, because we have been demanding the production of the original document from the French prosecutors, and they have been produced.

COL. POKROVSKY: We shall take the necessary measures so that the Tribunal will receive, although of course somewhat later, all the original documents from which the present photostats were taken. May I now continue? I now continue the quotation....

THE PRESIDENT: Colonel Pokrovsky, I imagine that you will be able to produce tomorrow the originals of the documents which were referred to today.

COL. POKROVSKY: I cannot promise that, because not all the originals are here. A considerable part of these documents are unique and consequently not kept in Nuremberg. Here we keep only a certain part of the originals. All that I can do is to submit, in the future, the originals at our disposal. Those which we do not have here we shall request the Soviet Government to send over in exchange for the photostats. This we can do.

THE PRESIDENT: I think the Tribunal had better adjourn for the purpose of considering this matter.

[A recess was taken.]

THE PRESIDENT: The Tribunal has considered the matter of the deposition of original documents, and they wish the following procedure to be adopted:

In the first place, they want original documents deposited with the General Secretary of the Tribunal, wherever possible. Secondly, where it is impossible for original documents to be deposited, or highly inconvenient, they will accept photostat copies of the original documents, provided that a certificate accompanies the photostat document that it is a true copy of an original document, and that the original is an authentic document, giving the origin of the original document and the place of its present custody. Thirdly, they will accept photostat copies for the present, on the undertaking of counsel that certificates, such as I have indicated, will be furnished as soon as possible.

Is that clear, Colonel Pokrovsky?

COL. POKROVSKY: I would ask the Tribunal to explain one point to me. Do I understand that the Tribunal only confirms its former decision and practice, which was established in connection with the presentation of the document in evidence by my American and British colleagues, or is it something new that the Tribunal is introducing? I am asking this because a similar document to the one which caused the interruption in my presentation today has already been accepted as a photostat in the same Trial under Exhibit Number USA-95 or Document 2788-PS. Therefore, it is not quite clear to me whether I am dealing with a new decision or with the confirmation of an old practice.

THE PRESIDENT: I think what you have stated is true, that this particular document does not appear to have any certificate that it is a true copy. But the Tribunal expects that the United States will produce such a certificate that it is a true copy of an authentic document and will state the origin and the custody of the original document.

COL. POKROVSKY: Pray forgive me, but I consider that the question which I wish to elucidate is of equal interest to all the prosecutors. Am I, and with me all the representatives of the Prosecution, to understand the decision of the Tribunal to mean that we are to present supplementary documentation in support of all photostats, including the photostats previously accepted by the Tribunal, or does it only refer to documents which the Soviet Delegation will present in the future?

THE PRESIDENT: If a document had been accepted in photostatic form and there has been no certificate that it was a true copy of an authentic document, then such a certificate must be given. And we desire that the certificate should also show that the document was authentic, and the place of its present custody. And that applies equally to all the chief prosecutors.

COL. POKROVSKY: Now, I understand that the Tribunal is confirming its former practice which means that we can present a photostat, but that they must be certified and that the originals should be presented whenever possible. Have I understood you correctly?

THE PRESIDENT: Yes, we desire originals, if possible. If it is impossible or if it is highly inconvenient, then we will accept photostats. And in the meantime, and for your convenience—because this practice has not been perhaps adequately stated before—we will accept photostat copies without certificate, on your undertaking that you will have the certificate later on. Is that clear?

COL. POKROVSKY: I understand. The former practice will continue in operation.

If the Tribunal will permit me, I shall draw your attention to the paragraph the misunderstanding about which led to the interruption of my presentation. I have in mind the three last lines of Page 196 of the document book before you:

> "The final aim of the forthcoming negotiations between the Sudeten German Party and the Czechoslovakian Government is to avoid entering the Government by widening the scope of their demands and by formulating them with ever increasing precision. In the course of negotiations it must be pointed out very clearly that the sole partner in these negotiations with the Czechoslovakian Government is the Sudeten German Party, and not the Reich Government. . . ."

Now I can omit a few lines and go on to Page 199:

> ". . . for purposes of further collaboration Konrad Henlein was advised to maintain the closest possible contact with the Reich Minister and with the leader of the Volksdeutsche Mittelstelle, as well as with the German Minister in Prague, who was representing the Reich Foreign Minister there. The task of the German Minister in Prague was to uphold, unofficially, the

> Sudeten German Party's demands, especially in private discussions with Czechoslovakian statesmen, by referring to them as reasonable, but without exerting any direct influence on the scope of the Party's demands.
>
> "Finally, the question of the advisability of the Sudeten German Party's collaboration with the other national minorities in Czechoslovakia, especially with the Slovaks, was discussed. The Reich Minister decided that 'the Party should be given a free hand to contact the other national groups with activities of a parallel nature which might be considered useful. Berlin, 29 March 1938.' "

Mr. President, Your Honors, you will find on Page 200, Volume I, Part 1 of the document book, a list of those present at the conference of 29 March 1938, in Berlin. The part which I shall quote is marked with a red pencil:

> "Reichsminister Von Ribbentrop, State Secretary Von Mackensen, Ministerialdirektor Weizsäcker, Minister Plenipotentiary to Prague Eisenlohr, Minister Stiebe, Legationsrat Von Twardovsky, Legationsrat Altenburg, Legationsrat Kordt (Ministry of Foreign Affairs). Others of the group were SS Obergruppenführer Lorenz, Professor Haushofer (Volksdeutsche Mittelstelle), Konrad Henlein, Karl Hermann Frank, Dr. Kuenzel, Dr. Kreisel (Sudeten German Party)."

It is not difficult to draw the correct conclusions as to the genuine intentions of the fascist conspirators with respect to Czechoslovakia, if only from the sole fact that among those attending the conference were such people as the Defendant Ribbentrop, two ministers, two representatives of the so-called Volksdeutsche Mittelstelle, including one Obergruppenführer of the SS, the prospective Secretary of State of the Czecho-Moravian Protectorate, Karl Hermann Frank, and the leader of the so-called Sudeten German Party, Konrad Henlein, a paid *factotum* and *agent provocateur* of Hitler.

German diplomatic missions directed the activities of Nazi Party branches abroad. For this purpose the leader of the AO, Gauleiter Ernst Wilhelm Bohle, was appointed State Secretary in the Ministry for Foreign Affairs.

On 3 June 1938 two documents were prepared by SS-man Lorenz, a participant of the conference to which I have just called the attention of the Tribunal. I shall read both of them. The first one, referring to the interview with Ward Price, indicates that Henlein was under the direct control of the SS, and it was to the SS that he was responsible for his activities. This document also contains the direct threat to resort to a "radical operation" in order to bring about the solution of the so-called Sudeten German problem.

I will read this short document into the Record under Document Number USSR-270 in full; it is on Page 202, Volume I, Part 1, of the document book:

> "Regarding the interview with Ward Price which appeared in the foreign press, SS Obergruppenführer Lorenz requested an explanation from Henlein. Henlein stated about as follows:
>
> "Ward Price was present at the burial of those executed in the town of Eger. He asked Henlein's collaborator, Sebekovsky, to arrange a meeting with Henlein for him. Henlein knew of the interview given by the Führer to Ward Price. He had a talk with Ward Price over a cup of tea. There was no real interview. The conversation about the Sudeten German and the Czech problems took the form of a talk about appendicitis. In this connection Henlein said that one could suffer chronic attacks of appendicitis, but the best thing was a radical operation. Later on, when Ward Price published an account of this conversation, Henlein intended to disavow him. But at that moment, an order came through the Legation in Prague from the Minister of Foreign Affairs, that Henlein should settle the matter with Ward Price amicably, since the latter was in the Führer's confidence and was in no way to be insulted by Sudeten Germans. When Henlein met W. P. again, he backed out, putting the blame on the members of the Sudeten German Party. For this reason, he wrote a letter to W. P., thus settling the matter. Lorenz."

The second document, which is on Page 203, which is our Document Number USSR-268, shows that, upon direct orders of the SS and the leaders of the Hitlerite conspiracy, Henlein negotiated with the Czech Government for the settlement of the Sudeten German question solely to create a provocation, and that these negotiations were closely followed by the leaders of the fascist conspiracy who guided Henlein's further steps.

I would now like to quote from that document:

> "In his conversation with SS Obergruppenführer Lorenz, Henlein put the following question: 'What shall I do if Czechoslovakia, under foreign pressure, suddenly fulfills all my demands and as counterdemand asks me to enter the Government?'
>
> "It was quite clear that this question at that moment would not be acute, and that further lengthy and painful negotiations were inevitable. Nevertheless he asked for instructions on his possible line of action regarding this problem, in case he were not able to communicate with Germany.

"He himself suggested the following: If Czechoslovakia accedes to all my requests I will answer, 'Yes,' but I will insist upon the change of its foreign policy. This the Czechs would never accept. Henlein was promised that this question would be elucidated by the Minister of Foreign Affairs. Lorenz."

A very brief excerpt from a top-secret document of state...

THE PRESIDENT: Isn't it time to break off? It is now a quarter past 5.

[The Tribunal adjourned until 9 February 1946, at 1000 hours.]

FIFTY-FIFTH DAY

Saturday, 9 February 1946

Morning Session

COL. POKROVSKY: May I continue with my statement?

THE PRESIDENT: Yes, please.

COL. POKROVSKY: The end of the session prevented me yesterday from quoting a brief excerpt from a very secret, a very important state document, dated 22 September 1938. I propose to begin today's work as from this point, and to read into the record the first six lines of the document submitted as Exhibit Number USSR-267 (Document Number USSR-267), which you will find, Your Honors, in Volume I, Part 1, Page 202 of your document book. This brief excerpt shows with absolute clearness the questions about the meaning of the so-called Sudetendeutsche Freikorps, the existence of which was briefly referred to in former sessions.

I quote the first six lines from notes made after a telephone conversation which took place in Berlin between one of the leaders of the so-called Volksdeutsche Mittelstelle and the Government in Berlin, at 1900 hours on 22 September 1938. Permit me to read these six lines into the record:

> "Herr Schmidt, from the Volksdeutsche Mittelstelle, telephoned at 1900 as follows:
>
> "The Command of the Sudetendeutsche Freikorps has just communicated the following:
>
> "First Lieutenant Köchling transmitted the following Führer order: 'Freikorps has to carry out the occupation of regions evacuated by the Czechs. Large-scale operations, however, may be executed only with the Führer's personal approval.'"

The rest of this document, signed by Von Stechow, is of no interest and I will not read it into the record.

As far as I can judge, the minutes of Hitler's reception of the Czech Minister for Foreign Affairs, Chvalkovsky, on 21 January 1939—that is shortly before the complete occupation of Czechoslovakia—are of great interest. Hitler's mendacious and pompous statements with respect to the independence of small nations, statements recorded in the document I am about to quote, are characteristic of his perfidious tactics.

The document which I am going to read into the record as Exhibit Number USSR-266 (Document Number USSR-266) you will find, Your Honors, on Page 203, Part 1 of Volume I of our document book:

> "Chvalkovsky began by thanking the Führer for having done his country the honor of receiving the Minister for Foreign Affairs twice within 3 months. He had come here to inform the Führer that he had strictly fulfilled the promise made to him on 14 October although this had cost him a very great deal of trouble....
>
> "The Führer thanked him for his statements. The foreign policy of a people is determined by its home policy. It is quite impossible to carry out a foreign policy of type 'A' and at the same time a home policy of type 'B.' It could succeed only for a short time. From the very beginning the development of events in Czechoslovakia was bound to lead to a catastrophe. This catastrophe had been averted thanks to the moderate conduct of Germany.
>
> "Had Germany not followed the National Socialist principles which do not permit of territorial annexations the fate of Czechoslovakia would have followed another course. Whatever remains today of Czechoslovakia has been rescued not by Beneš, but by the National Socialist tendencies."

I omit a few sentences and continue:

> "For instance, the strength of the Dutch and Danish armies rests not in themselves alone but in realizing the fact that the whole world was convinced of the absolute neutrality of these states. When war broke out, it was well known that the problem of neutrality was one of extreme importance to these countries. The case of Belgium was somewhat different, as that country had an agreement with the French General Staff. In this particular case Germany was compelled to forestall possible eventualities. These small countries were defended not by their armies but by the trust shown in their neutrality."

You will find a further part of this quotation on Page 207:

> "Chvalkovsky, backed by Mastny, again spoke about the situation in Czechoslovakia and about the healthy farmers there. Before the crisis, the people did not know what to expect of Germany. But when they saw that they would not be exterminated and that the Germans wished only to lead their people back home, they heaved a sigh of relief.
>
> "World propaganda, against which the Führer had been struggling for so long a time, was now focused on tiny Czechoslovakia. Chvalkovsky begged the Führer to address,

> from time to time, a few kind words to the Czech people. That might work miracles. The Führer is unaware of the great value attached to his words by the Czech people. If he would only openly declare that he intended to collaborate with the Czech people—and with the people, themselves, not with the Minister for Foreign Affairs—all foreign propaganda would be utterly defeated.
>
> "The Führer concluded the conversation by expressing his belief in a promising future."

These notes are signed by Hewel.

It would now be opportune to refer once again to a document which has already been mentioned in the Tribunal. I mean a so-called top-secret document, for officers only, of the 30th of May 1938. It bears the number OKW 42/38, and under Document Number 388-PS has already been presented to the Tribunal by my honorable colleagues of the United States Delegation. The Chief Prosecutor of the U.S.S.R. likewise referred to this document in his opening statement.

Formulating the gist of the fascist conspiracy against Czechoslovakia, Hitler announced that it was his irrevocable decision to defeat Czechoslovakia in the immediate future and by one single military operation. He divided his task into two parts: political and military. Then, with his characteristic and unbounded cynicism, he declares—his quotation is to be found on Page 209 of Volume I, Part 1 of the document book:

> "The most favorable, both from the political and military standpoint, would be a lightning blow to be delivered under the pretext of some incident which will provoke Germany to abrupt action. . . ."

The document bears Hitler's signature. Such was the authentic program of Hitler and his accomplices concerning Czechoslovakia, drawn up for a long time in advance of the day when Chvalkovsky requested that criminal "to address from time to time a few kind words to the Czech people."

Even if in his public utterances Hitler sometimes used what Chvalkovsky called "kind words," the line of the actual relations was developing in an entirely different direction. But even this is not all. We shall postpone the question of the provocative incident until the end.

The notes to the report on Fall Grün of 24 August 1938 have already been read into the record in the most important part, as Document Number 388-PS. Here are two additional paragraphs which should be read. Your Honors will find on Page 214 of Volume I of the document book:

> "Fall Grün will start with the creation of an incident in Czechoslovakia which will give Germany a pretext for military intervention.
>
> "It is of the greatest importance to fix the exact day and hour for staging the incident.
>
> "This incident must be provoked under weather conditions favorable for our superior air force in carrying out the operation and it should be timed in such a way that the respective notification should authentically reach us by midday of X-1 Day. This will enable us to follow it up immediately by issuing the order X, on X-1 Day, at 1400 hours."

The document concluded as follows—see Page 215 of your document book:

> "The purpose of these statements is to show how greatly interested the Armed Forces are in the incident, and that they should know well in advance the intentions of the Führer, inasmuch as the organization of the incident will be entrusted, in any case, to the Abwehr."

The document is signed by Jodl. These are not mere words. This is a plan of infamous provocation; a plan which, as we already know, has been carried into effect.

Document Number 388-PS has already been accepted by you as evidence presented by the Delegation of the United States. I should like only to stress one point: The murderers and invaders not only develop in cold blood the plans of their crimes but are also anxious to put them into effect under the most advantageous conditions possible for themselves. They need fine weather and at least 24 hours for the final preparation. Moreover, they need an incident, provoked by themselves, to justify their foul crimes in the "eyes of at least some part of the world community." This latter fact demonstrates that the Hitlerites themselves were perfectly aware of the criminality of their actions.

In passing, I wish to draw your attention to one point: OKW bears direct responsibility for the criminal character of these actions. They cannot plead, "We know not what we did." The *agents provocateurs* and aggressors, in the uniform of the highest ranks of the German Army, were the first to name themselves *agents provocateurs* and aggressors.

Finally, I have to inform the Tribunal that one of the ultimate aims of the fascist invasion of Czechoslovakia was the liquidation of this historically constituted Slav state.

On Page 36 of the official report of the Czechoslovak Government, the original of which was submitted to you yesterday, we can read the following quotation from a statement made by Hitler in the summer of 1932 in the presence of Darré, Rauschning, and other high fascist officials. I shall quote this excerpt, which is on Page 38 of the Volume I, Part 1 of your document book:

> "The Bohemian-Moravian Basin... will be colonized with German peasants. We shall transplant the Czechs to Siberia or the Volhynian district. They must get out of Central Europe...."

This statement by Hitler is quoted in the Czechoslovak report from Rauschning's book *Hitler Speaks,* Page 46.

I consider it necessary to read into the record a passage from the Czechoslovak report, which immediately follows the above-mentioned quotation—Page 36 of the Russian translation, the last paragraph at the end of the page. You will find this quotation on Page 39, Volume I, Part 1 of the document book, in the last paragraph of this page:

> "This criminal plan was approved by Karl Hermann Frank, Secretary of State of the Reich Protector in Prague from 17 March 1939 and Minister of State in Prague from 1943, known to the world as the Butcher of Lidice. Interrogated on this point by Colonel Ecer, in Wiesbaden on 29 May 1945, Frank declared:
>
> " 'The plan for the evacuation of the Czech people to the East, as mentioned above and decided in Party circles, roughly coincides with the passage quoted.' "

The Defendant Neurath was Reich Protector for Bohemia and Moravia from 17 March 1938 to 28 September 1941. He did much to destroy Czechoslovakia as a state entity.

Appendix 1 to the Report of the Czechoslovak Government reads as follows—you will find this extract on Page 167 of Volume I, Part 2 of the document book: "The Reich Protector was the highest of the Reich authorities, agencies, and officials in the Protectorate." The Defendant Neurath must not escape responsibility for these crimes.

My colleagues of the Soviet Delegation will submit evidence to show the Tribunal the upheaval in the life of the work-loving Czech people, from the moment that the Hitlerite aggressors began to put into practice their plan for the destruction of Czechoslovakia as a state entity.

When we turn to the material concerning the aggression against Poland, we find there many features in common with the crimes of the conspirators directed against Czechoslovakia.

THE PRESIDENT: Colonel Pokrovsky, I think it is only a mistake in the translation into English, but it is stated in our copy that the Defendant Neurath was Reich Protector for Czechoslovakia and Moravia from the 17th of March 1938. No doubt you said 1939. Did you?

COL. POKROVSKY: I am afraid that what I said was not quite correctly heard. I said from 17 March 1938 to 28 September 1941.

THE PRESIDENT: It should have been 1939, should it not?

COL. POKROVSKY: Yes, if I am not mistaken, that would be correct.

I take the liberty of repeating that when studying the documents with regard to the aggression against Poland, we find there many features in common with the crimes which the conspirators committed against Czechoslovakia. I have in mind the systematic violation of treaties and solemn declarations, false assurances, the creation of a paid Fifth Column organized on a military footing, and the sudden infliction of a treacherous blow. This can be proved by a whole series of documents.

An official report of the Polish Government contains a detailed list of the treaties violated by the conspirators. We submit the document to the Tribunal under Exhibit Number USSR-93 (Document Number USSR-93). Inasmuch as we are concerned with the facts of common knowledge and of those already commented on in the opening statements of the prosecutor, I beg the Tribunal to take judicial notice of this part of the Polish report without further proof, namely of the first two articles of the Count "Crimes against Peace."

I wish to read into the record four lines from Paragraph 3 of this Count which begins on Page 219 of your document book. This concerns the Polish-German declaration of 26 January 1934:

> "Both governments are convinced that the relations between their respective countries will in this manner develop fruitfully and lead to the establishment of neighborly relationships which will contribute to the well-being not only of both their countries, but of the other peoples of Europe as well."

The Defendant Von Neurath signed this declaration on behalf of Germany.

I now deem it necessary to read into the record an excerpt from a declaration made by the Defendant Göring during his visit to Warsaw on 16 February 1937, which is contained in the report of the Polish Government. You will find this excerpt which I want to quote, on Page 220, Volume II, Part 1 of the document book. Göring made this declaration to the representatives of the Polish Government. I quote:

> "On the German side, there is no desire whatever to deprive Poland of any part of her territory. Germany is completely reconciled to her present territorial status. Germany would

not attack Poland and has no intention of seizing the Polish Corridor. We do not want the Corridor. I say sincerely and categorically that we do not need the Corridor. Just as Germany trusts and believes that Poland has no intention of seizing Eastern Prussia and the remaining part of Silesia, so can Poland believe that Germany has no intention of depriving her of any rights and possessions."

I think that Paragraph 6 of the Polish official report also deserves to be read in full. This paragraph is on Page 220 of your document book—Point 6:

"On 5 November 1937 the Polish and German Governments issued identical declarations concerning the treatment of minorities. The declaration concludes with the following passage:

" 'The above principles should in no way affect the duties of the minorities of complete loyalty to the state to which they belong. They have been inspired by a desire to secure for the minorities equitable conditions of life and harmonious collaboration with the nationals of the state in which they live—a state of affairs which will contribute to the progressive strengthening of the friendly and good-neighborly relations between Poland and Germany.' "

On 2 September 1939 Polish antiaircraft units brought down a German aircraft near Posen. A secret order issued by the Wehrmacht was found on the pilots. It contained, among others, the following sentence—this quotation you will find on Page 224, Volume I, Part 2 of the document book: "Reservists of German race should attempt to avoid being mobilized in the Polish Army and should join the German Army."

Then follows the detailed enumeration of insignia by which all people "who assist the German Army" would be recognized. The order states that they will be supplied with—I quote one paragraph as it is stated in the original Polish report on the same page, that is 224: "2. For weapons—pistols of type Numbers 14 and 34 and also, in certain cases, with grenades of the Czech type." It is quite obvious that the latter was done for the purpose of provocation. The order bore the signature of "Major Reiss."

Inasmuch as this fact is ascertained in the manner provided for by Article 21 of the Charter, I request you to accept the fact stated by me as evidence.

I wish to submit to the Tribunal one more excerpt from Exhibit Number USSR-93. The part quoted is on Page 7, Paragraph 23 and it bears the customary red pencil mark used in our work for convenience. You will find that quotation on Page 223, Volume I, Part 2 of the document book:

> "Evidence gathered by the Polish Army in the course of the campaign of September 1939 indicates the following:
>
> "a) As regards the diversionist activities in southwestern Poland, those activities were organized beforehand and were only carried out by agents dropped by parachutes. German espionage was organized by special emissaries posing as travelling teachers who trained spies and diversionists. Every year a number of young Germans would leave every German colony to proceed to the Reich. There they received special training, and upon their return to Poland, did penance. They contacted the local authorities, told them about cruelties of the Nazi and expressed their joy at having returned to their 'dear homeland.' But these same Germans retained constant contact with their agents in Germany and supplied them with information either by mail or through the travelling teachers.
>
> "b) Besides the agents who were recruited among the young people and appointed to collaborate with the German section of the population, there also existed a group of leaders and instructors, consisting of officers who were supplied with regular passports and who came to Poland long before the outbreak of hostilities."

Thanks to evidence discovered in the course of investigation, the Polish Government has ascertained that the main diversionist nucleus consisted of Hitler Youth groups known as the Hitler Jugend. The Defendant Schirach was, as we know, the leader of this fascist organization.

In Paragraph 21 of our Exhibit USSR-93, we find information on this subject, which deserves to be read into the record. Volume I, Part 2, Page 223.

Here are the details relating to the organization of the system of diversionist activities:

> "a) The agents were recruited mainly from among the groups of young people known as the Hitler Jugend, and also among men and women, mainly of German nationality, who were recruited in Poland.
>
> "b) Special courses, lasting from 2 weeks to 3 months, were organized for these agents on Reich territory.
>
> "c) The members of these courses were split up into two categories. The first consisted of individuals possessing a thorough knowledge of the Polish language who were entrusted with special missions to be carried out in the rear of the Polish Army. The second category consisted of individuals who were to mingle with the crowds of Poles fleeing from the war and the air-raids.

> "d) Shortly before the war the students went through an additional course of instruction in special camps where they were assigned to 'districts for diversionist activities.' "

And now I shall turn to the documents, demonstrating the falsehood and hypocrisy of other declarations made by the Hitlerite conspirators on international questions concerning Poland. For this purpose, I shall quote Paragraphs 7, 8, and 9 of the section entitled "Crimes against Peace," again our Exhibit Number USSR-93. These would be the last paragraphs on Page 4 and the top of Page 5 of the Russian text: In your document book these quotations are marked on Page 220 of Volume I, Part 2, and on Page 221. I shall announce it when I pass on to Page 221.

> "Paragraph 7: On 5 November 1937 the then Polish Ambassador was received by Hitler in the presence of the Defendant Von Neurath. On this occasion Hitler declared:
>
> "'There will be no changes in the legal and political status of Danzig. The rights of the Polish population in Danzig will be respected. The rights of Poland in Danzig will not be violated.'
>
> "Twice on this occasion, Hitler repeated with pathos, 'Danzig ist mit Polen verbunden (Danzig is bound to Poland).'
>
> "Paragraph 8: The first hints of the changes in the status of Danzig were made by the Defendant Ribbentrop on 25 October 1938. He hinted at the incorporation of Danzig in the Reich in exchange for an extension of the German-Polish pact for 25 years and a guarantee of the German-Polish frontiers. Poland was to keep the Danzig railroads and to retain economic facilities in return for her assent to the building of an exterritorial Autobahn and a railroad through Pomerania.
>
> "This proposal was rejected.
>
> "Paragraph 9"—this is Page 221, Volume I, Part 2 of the document book.—"Later on, during his visit to Warsaw, the Defendant Ribbentrop assured the Polish Government that there would be no *fait accompli* on the territory of the Free City—25-27 January 1939."

It is known that during the last months preceding 1 September 1939 concentrations of German mobilized military forces were carried out. Border clashes then took place. I think that the cause of these clashes will become quite obvious after I have read into the record the notes on Fall Grün, Document Number 388-PS, signed by Jodl.

On 15 April 1939 the late President of the United States of America, Franklin Delano Roosevelt, made an appeal to the world and to the leaders of Germany and Poland with a view to preventing further complications in Europe.

On 28 April and 5 May 1939 the Polish Government proposed to the Government of Hitler Germany a practical solution for the problem of the Free City of Danzig.

On 23 August 1939 the King of Belgium addressed to the world a radio appeal for peace.

On 24 August 1939 the President of the United States of America appealed once again to the leaders of the Reich and Poland.

The Polish Ambassador in Berlin, acting on the advice of the British Ambassador in Warsaw, had a conference with Ribbentrop on 31 August.

I should like to quote two paragraphs, 18 and 19, of Exhibit Number USSR-93, marked with red pencil on Page 6 of the Russian original; in your document book they are found on Page 222, Volume I, Part 2:

> "18. The German note stating the conditions for the settlement of the conflict with Poland was broadcast over the German radio on 31 August 1939, at 9 p. m. This note, however, was not handed to the Polish Ambassador until the evening of 1 September 1939. This was a few hours after German Armed Forces, both from the air and the land, were in the process of seizing Polish territory, in the early hours of 1 September 1939.
>
> "19. In this way Germany attacked Poland in violation of her international assurance, without a previous declaration of war and at a time when her actions had convinced the Polish Government that further negotiations between the two countries were pending, with a view to arriving at a peaceful settlement of this dispute."

I have at my disposal the original document concerning the Danzig question, found by the Red Army in the archives of the German Ministry for Foreign Affairs. I present it to the Tribunal as Exhibit Number USSR-185 (Document Number USSR-185), and I must inform you that acting upon a request formulated yesterday, we have added to the photostat copy already on our files, the original copy of this highly important historical document. It has now been placed at the disposal of the Tribunal.

On the first page you will see a telegram form, which proves that on 1 September 1939 at 5 a. m. a telegram was handed in at the telegraph office at Danzig; this telegram, registered as Number 0166, consisted of 202 words and was addressed to the Führer and Reich Chancellor in Berlin. On the second page you will see the text of this telegram of 202 words, which bears the seal of the Gauleiter of the Nazi Party in Danzig. I take the liberty of reading to you these 202 words which form a part of the history of the fascist conspirators' Crimes against Peace:

"Telegram to the Führer.

"My Führer:

"I have just signed, and by this act have put into force, the following basic state law providing for the reunion of Danzig with the German Reich:

"Basic state law of the Free City of Danzig of 1 September 1939, concerning the reunion of Danzig with the German Reich.

"For the purpose of relieving the dire needs of the people and the state of the Free City of Danzig, I promulgate the following basic state law:

"Article I:
Hereby the Constitution of the Free City of Danzig is immediately abrogated.

"Article II:
Legislative and executive power will, in the future, be exercised exclusively by the Chief of State.

"Article III:
The Free City of Danzig, together with its territory and population, immediately becomes an integral part of the German Reich.

"Article IV:
Until the definite decision about the introduction of the Law of the German Reich by the Führer, all the laws, the Constitution excepted, in force at the moment of the promulgation of the present basic law, remain in force.
"Danzig, 1 September 1939. Signed: Albert Forster, Gauleiter.

"I beg you, my Führer, on behalf of Danzig and of its population, to approve this basic state law and to confirm by Reich statute the reunion with the German Reich.

"Danzig enthusiastically extends to you, my Führer, a feeling of endless gratitude and eternal devotion.

"Heil to you, my Führer. Albert Forster, Gauleiter."

And now that the documents which establish the actual line of conduct of the fascist conspirators with regard to Poland have been submitted to the Tribunal, it seems to me opportune to refer, be it only summarily, to excerpts from Fall Weiss as well as from the statements and pronouncements by Hitler and Ribbentrop, after which I shall read into the record a new document, which is Exhibit Number USSR-172 (Document Number USSR-172). This document represents the secret notes by Bormann concerning a conversation on Poland which took place in Hitler's apartment on 2 October 1940.

On 30 January 1934 Hitler made a speech in his capacity of Chancellor of the Reich. It concerned a number of problems, including relations with Poland. There is no need to quote it in detail. At present, only two or three sentences can be of interest to us. I quote excerpts from Document Number TC-70:

> "... It seems to me that we must show, by a concrete example, that disagreements, however indisputable, need not prevent the finding of a *modus vivendi* which would serve usefully the cause of peace as well as the welfare of both nations."

I shall now skip several paragraphs and quote one of the concluding sentences...

THE PRESIDENT: Colonel Pokrovsky, it is pointed out to me, and I intervene for the purpose of getting the record correct, that the document is dated not the 30th of January 1934, but 30 January 1943. Do you agree with this?

COL. POKROVSKY: In my report I see the date 30 January 1934.

THE PRESIDENT: That is right, yes.

COL. POKROVSKY: I shall continue the quotation which concludes Hitler's pronouncement:

> "The German Government is resolved and prepared to develop its political and economic relations with Poland, in accordance with the present agreement, in such a way as to ensure that a period of useful co-operation may follow one of fruitless reticence.
>
> "The Chancellor has here expressed his particular satisfaction with the clarification of relations between Danzig and Poland."

On 26 September 1938 Hitler again spoke of Poland in one of his usual speeches. I consider it essential to quote a short excerpt from this speech—Document Number TC-29:

> "The most difficult problem with which I was confronted was that of our relations with Poland. There was a danger that Poles and Germans would regard each other as hereditary enemies. I wanted to prevent it."

I do not consider it necessary to read the entire document, and I will therefore omit a few sentences.

> "Precisely a year later it was possible to reach an agreement which, in the first place, definitely eliminated the danger of a conflict for a period of 10 years.
>
> "We are all convinced that this agreement will lead to a lasting pacification. We realize that here are two peoples which have to exist side by side, and neither can eliminate the other.

> "A state with a 33 million population will always strive for an outlet to the sea.
>
> "Because of that, a way for understanding had to be found. It has been found and will be more and more consolidated."

In absolute conformity with this official and, from beginning to end, deceitful speech of Hitler's, the Defendant Ribbentrop, speaking in Warsaw on 25 January 1939, stated—this quotation will be found in Document Number 2530-PS:

> "It is a fundamental part of German foreign policy in accordance with the firm will of the Führer of the German people that the friendly relations between Germany and Poland, based on the existing treaty, be strengthened progressively and deepened."

Omitting one paragraph of this document, which has already been read in court and submitted to the Tribunal as the Document Number 2530-PS, I wish to repeat only one sentence of it:

> "Thus Poland and Germany can look forward to the future with complete confidence upon the solid basis of their mutual relations."

Need I remind the Tribunal that in the Document L-79 already presented, which is a record of the conference on 23 May 1939 at Hitler's new Reich Chancellery, among the many other openly aggressive declarations and statements of policy by Hitler, this man uttered the following sentence:

> "Thus, there is no question of sparing Poland, and the decision remains to attack Poland at the first opportunity. It is impossible to expect a repetition of the operation against Czechoslovakia. This time it will mean war."

It must be stated in all fairness that this war was a surprise for Poland only. The fascist conspirators had, for a long time, carefully prepared for it. I now turn to Document C-120, a considerable part of which has already been read into the record. I should like to submit several excerpts from this document concerning the conspiracy of the Hitlerites directed against Poland, excerpts which have not yet been read into the record. I should like to draw your attention to individual sentences, which naturally did not attract the attention of the counsel who offered this document in evidence because they deal with relatively small details. But now these sentences are decisive and are of primary importance. They are highly characteristic and essential to a correct evaluation of the material I am about to present.

In the Document Number C-120 (Exhibit Number GB-41), marked, "for commanding officers only; top secret; matter for Chief of Staff; only through officer; General Headquarters of the Armed

Forces WFA 37/39 Chefs (L-Ia)" just preceding the text of the document the subject is indicated as follows:

> "Subject: Instructions for the Armed Forces for 1939-1940. Directive concerning the uniform preparation of the Armed Forces for 1939-1940 is hereby restated."

This sentence clearly and definitely indicates that already previously, that is, before 3 April 1939, there existed some other directives on this very question.

The following is said in Paragraph 3 of the document cited:

> "Opinions of the three branches of the Armed Forces, as well as the data for the calendar schedule, will be submitted to the OKW on 1 May 1939."

Already by 1 May 1939 Germany had a revised, modernized, and detailed plan for an aggression against Poland. And Hitler, while playing the part of one insulted by Poland, waited only for a suitable moment to declare that he had no choice but to destroy the Polish State.

In one of the appendices to the document quoted—it is also listed as Document Number C-120 (Exhibit Number GB-41) but was not read into the record—there is one feature of great importance. The document is signed by Hitler and bears the date 11 April 1939. It was prepared in five originals only. I offer in evidence a copy of the second original.

> "Directive concerning the uniform preparation of the Armed Forces for 1939-1940.
>
> "I will expound, at a later date, the future objectives of the Armed Forces as well as the preparations for war which follow therefrom.
>
> "Until the directive becomes effective, the Armed Forces must be ready to accomplish the following tasks:
>
> "I) Securing the frontiers of the German Reich and protection from sudden air offensives; II) Fall Weiss; III) Occupation of Danzig.
>
> "Signed: Hitler."

I will now read into the record the first paragraph of Appendix 3, entitled the "Occupation of Danzig."

> "The surprise occupation of the Free City of Danzig may come into question—independently of Fall Weiss—in utilization of a favorable political condition."

I think that we can dispense with the reading of the remaining text of the document.

If it please the Tribunal, it is worthy of note that, according to German plans the occupation of Danzig was regarded either as an integral part of the aggression against Poland or, in case of a different political situation, as a completely independent operation, but in both cases it was planned well in advance.

The same set of documents, listed as Number C-120, includes a top-secret directive intended exclusively for commanding officers and was to be transmitted through officers only. It is important to note that the subject of this document, which I submit to the Tribunal, is indicated as follows: Instructions concerning the uniform preparation for war of the Armed Forces for the years 1939-1940. Just as the previous ones, this document was not intended for a wide circle of readers. It was typed in seven originals only. The fascist conspirators were not very anxious to popularize their planned preparation for war.

And again, in the appendix to directive OKW 37/39, which I have already submitted to the Tribunal and which is entitled, "Special Orders for Fall Weiss," there is one very significant sentence. I shall read into the Record the penultimate subparagraph of Paragraph 2:

> "In case of a public announcement of general mobilization (Mobplan) for the Armed Forces, the mobilization will automatically cover the entire civilian network, including war production. A public announcement, however, of mobilization should not be counted on, should military events be confined to Fall Weiss."

It seems highly significant to me that the fascist conspirators, though fully conscious of the fact that war was to begin, had planned the execution of their criminal intent without announcing any mobilization.

And finally, I should like to point out that in Keitel's order to the Armed Forces, Number 37/39, of 3 April 1939, issued in connection with Fall Weiss, the following directives by Hitler were made public:

> "I. Operational plan Fall Weiss must be elaborated with a view to the fact that its execution must be possible at any time, as from 1 September 1939."

We know that the invasion of Poland was, in fact, started on 1 September 1939—in short, on the very first day on which the German Armed Forces had to be fully ready for action.

Operational Order Number 1, 25039, of 21 August 1939, issued to the Command of Naval Group OST, on board the battleship *Schleswig Holstein*, stated as follows—this document has already been submitted to the Tribunal as a German photostatic copy:

> "I. General situation. a) Political: All the armed forces must be defeated by means of a lightning thrust, to enable the

> creation in the East of a situation favorable for the defense of the Reich. The Free City of Danzig will be declared a Reich city."

It is worth while to bear this sentence in mind when speaking of the "free expression of will by the Danzig population," which allegedly aspired to become part of the Reich. It must not be forgotten that this free expression of will had been foreseen by the above operational Order Number 1, to the very day.

To conclude, I consider it essential to read into the record, almost in full, a rather long but exceptionally important document. I have in mind a note by the Defendant Bormann of 2 October 1940, referring to a conversation about Poland. This conversation was held after a dinner which took place in Hitler's apartment. You will find this note on Page 311, Volume I, Part 2 of the document book:

> "Secret; Berlin, 2 October 1940; note.
>
> "On 2 October 1940, after dinner at the Führer's apartment, a conversation arose on the nature of the Government General, the treatment of the Poles and the incorporation, already approved by the Führer, of the Districts of Piotrokow and Tomassov into the Warthegau.
>
> "The conversation began when the Reich Minister, Dr. Frank, informed the Führer that the activities in the Government General could be termed very successful. The Jews in Warsaw and other cities had been locked up in the ghetto; Kraków would very shortly be cleared of them."

I now consider it possible to omit a few paragraphs.

> "The Führer further emphasized that the Poles, in direct contrast to our German workmen, are specially born for low labor; we must give every possibility of advancement to our German workers; as to the Poles—there can be no question of improvement for them. On the contrary, it is necessary to keep the standard of life low in Poland and it must not be permitted to rise.
>
> "The Government General must, under no condition whatsoever, be an isolated and uniform economic region; it must not produce independently, even in part, any manufactured goods necessary for its subsistence; the Government General should be used by us merely as a source of unskilled labor (in industries such as brick manufacturing, road construction, *et cetera).* One cannot change the nature of a Slav, as the Führer has already emphasized. While as a rule our German workers are by nature assiduous and diligent, the Poles are lazy and it is necessary to use compulsion to make them work.

"However, there is no reason to expect that the Government General will become an independent economic region, as there are no mineral resources, and even should such be available the Poles are not capable of utilizing them.

"The Führer has explained that the Reich needs large estates to provide food for our large cities; these large estates, as well as other agricultural enterprises, are in need of labor, and cheap labor in particular, for the cultivation of the soil and for harvesting. As soon as the harvest time is over, the laborers can go back to Poland because should they be employed in agriculture the whole year round they themselves would use up an important part of the crops. The best solution would thus be to import from Poland temporary laborers for the duration of the sowing and for the harvesting. Our industrial districts are overpopulated, while at the same time there is a lack of manpower in agriculture. That is where we can make use of the Polish laborers. For this reason, it would be quite right to have a surplus of manpower in the Government General, so that every year the laborers needed by the Reich could be procured from there. It is indispensable to bear in mind that the Polish gentry must cease to exist; however cruel this may sound, wherever they are, they must be exterminated.

"There must, of course, be no sexual intercourse with Poles. It would consequently be a correct procedure if Polish harvesters, both men and women, came together to the Reich. Whatever the mutual relationships were in their camps would not be a matter of our concern—no zealous Protestant should poke his nose into these affairs.

"The Führer stressed once more that there should be one master only for the Poles—the German; two masters, side by side, cannot and must not exist; therefore, all representatives of the Polish intelligentsia are to be exterminated. This sounds cruel, but such is the law of life.

"The Government General represents a Polish reserve of manpower—a vast Polish labor camp. The Poles will also benefit from this, as we look after their health and see to it that they do not starve, *et cetera,* but they must never be raised to a higher level, for they will then become anarchists and Communists. It will therefore be proper for the Poles to remain Roman Catholics; Polish priests will receive food from us and will, for that very reason, direct their little sheep along the path we favor. The priests will be paid by us and will, in return, preach what we wish them to preach. If any priest acts differently, we shall make short work of

> him. The task of the priest is to keep the Poles quiet, stupid, and dull-witted. This is entirely in our interests. Should the Poles rise to a higher level of development, they will cease to be that manpower of which we are in need. In other respects it will suffice for a Pole to possess a small holding in the Government General—a large farm is not at all necessary; he will have to earn the money he requires in Germany. It is precisely this cheap labor we need; every German and every German worker will benefit by this cheap labor.
>
> "A strict German administration must exist in the Government General to keep order in the labor reservations. These reservations mean for us the maintenance of agriculture, particularly of our large estates, and they are, besides, a source of supply of labor."

I see no necessity to read into the record the exchange of views between those present, although it is mentioned in the document, and I shall go on directly to Hitler's final statements:

> "To sum up, the Führer wants to state once more:
>
> "1. The lowest German workman and the lowest German peasant must always stand economically 10 percent above any Pole."

I omit the second paragraph and pass to the third which is of great interest:

> "3. I do not wish"—the Führer stressed—"that a German workman should, as a rule work more than 8 hours when we return to normal conditions; if a Pole, however, works 14 hours, he is still, in spite of that, to earn less than a German workman.
>
> "4. The ideal picture is this: A Pole must possess a small holding in the Government General which will, to a certain extent, provide him and his family with food. The money required by him for clothes, supplementary foods, *et cetera, et cetera,* he must earn by working in Germany. The Government General must become a center for supplying seasonal unskilled labor, particularly agricultural laborers. The existence of these workmen will be fully guaranteed, because they will always be used as cheap labor."

This document deals with the question of Hitler's attitude towards Poland and the Polish people with such exhaustive clarity that it calls for no further comment.

I wish only to draw Your Honors' attention to three points.

Firstly, Hitler definitely states and develops in detail the idea that in the new fascist order in Europe the Polish people and the

Polish State must be nothing but a Polish labor camp for fascist Germany.

Secondly, Hitler is convinced that the Poles will benefit from such a state of affairs, since the fascist conspirators intend to care for the health and adequate nourishment of the Poles whom they have reduced to slavery. I beg Your Honors to consider the fact that by "adequate nourishment" Hitler understands a state of affairs according to which every Pole should be maintained at an economic level considerably below that of the most wretched German. By "care" he means that the standard of living in Poland should be low and that it should not improve, so that no Pole be engaged otherwise than in heavy unskilled labor, 14 hours a day.

Finally, Hitler sets the task for the extermination of the entire intelligentsia, stating arrogantly that there should exist only one master for the Poles—the German.

In the course of further presentation of documents to the Tribunal we shall prove that Hitler and his followers, in the persons of the participants in the fascist conspiracy, strove to exterminate the Polish people and to reduce the standard of living of the Poles to the most pitiable and beggarly level. Their very existence depended solely on the fact that it assured cheap manpower for the fascist masters.

THE PRESIDENT: Would that be a convenient time to break off?

[The Tribunal adjourned until 11 February 1946 at 1000 hours.]

FIFTY-SIXTH DAY

Monday, 11 February 1946

Morning Session

COL. POKROVSKY: The Tribunal has at its disposal the diaries of the Defendant Frank.

In the one marked "Diary of the Year 1943, V," we find on Pages 1070-1072 an important entry; in the Russian translation this passage is on Page 5 of the addenda to the "Excerpts from Frank's Diaries," and on Page 321 of your document book, marked in pencil. I quote this passage:

> "Kraków, 23 October 1943.
>
> "The Governor General makes a report at the Administrative Academy on 'The Leadership Principle in Government.' From the point of view of constitutional and international law, the Government General, as an appendage to Greater Germany, constitutes a part of the territory over which the power of Greater Germany in Europe extends. The sovereignty over this territory belongs to the Führer of Greater Germany and on his behalf it is exercised by the Governor General who, as the deputy of the Führer, possesses all his powers."

I would like to inform you, Your Honors, of two more documents of a strictly official nature.

In the *Reichsgesetzblatt* for 1939, Part I, Page 2077—Page 333 of your document book presented by us as Exhibit Number USSR-296 (Document Number USSR-296)—is published the "Führer's and Reich Chancellor's Decree on the Administration of the Occupied Polish Territory," dated 12 October 1939.

I shall read into the record Paragraph 2 of this decree. It consists of two subparagraphs:

> "Paragraph 2:
>
> "1. I appoint Reich Minister Dr. Frank as Governor General of the occupied Polish territories.
>
> "2. I appoint Reich Minister Dr. Seyss-Inquart as Deputy Governor General."

In the same *Reichsgesetzblatt*, but this time for 1940, Part I, Page 399, is published a decree regarding the power to grant pardons in the occupied Polish territories. It is registered with the

Tribunal as Document USSR-289 (Exhibit Number USSR-289) and is on Page 336 of the document book. It reads:

> "In the occupied Polish territories I delegate to the Governor General of occupied Polish territories the power to confirm death sentences as well as pardons or to reject applications for pardons, with the right further to delegate his powers."

The power of life and death, the sovereign prerogative, was entrusted in a Poland occupied by the Hitlerites, to the Defendant Frank.

It would not be misplaced to recall that it was this same Hitler who had said that he would show, by the concrete example of a mutual relationship between the Polish and the German peoples, that such a form of intercourse had been found "which would usefully serve the cause of peace as well as the welfare of both nations."

I have spoken of the kind of example that was intended, and what the welfare was to which reference had been made.

The 6 April 1941 was marked by a new crime planned and carefully prepared beforehand by the Hitlerite conspirators. Without any warning or declaration of war, they attacked Yugoslavia.

The attack on Yugoslavia was a gross breach of Article 3 of the Hague Convention of 18 October 1907, and of the Kellogg-Briand Pact of 27 August 1928. The Delegations of Great Britain and of the United States have already submitted to the Tribunal a considerable number of documents referring to the subject of the treacherous attack on Yugoslavia. I have only to submit a few new proofs and to establish a connection between these new documents and those already read into the record. Official German documents enable us to reconstitute events with exceptional vividness. In this case German pedantry turns against the authors of the criminal plan.

On 27 March 1941 Adolf Hitler held a special conference regarding the situation in Yugoslavia. On the same day he signed a top-secret Directive 025, for the High Command (Oberbefehlshaber) only. Both documents, filed under Document Number 1746-PS, are among the evidence already accepted by the Tribunal.

Subparagraph 2 of Directive 025 has already been quoted in full in the speech of the Chief Prosecutor for the U.S.S.R. The first subparagraph of this document was also read into the record on 7 December 1945. I should like to add a few more lines and read Paragraph 3 into the record. This passage is on Page 337 of the document book. It states as follows:

> "In detail I order the following:

> "a) As soon as the concentration of sufficient forces is concluded and meteorological conditions permit, all Yugoslav antiaircraft and Belgrade must be destroyed by continuous day and night air attacks.
>
> "b) If possible, simultaneously, but under no circumstances sooner, Operation Marita must be started, with the primary limited objective to seize the harbor of Salonika."

I believe that three points should be stressed here:

1) The intention of carrying out the total destruction of the capital of the state;

2) The correlation between the aggression against Yugoslavia and the aggression against another country, Greece—the aggression against Greece was coded, as the Tribunal knows, under the name of Operation Marita;

3) The necessity to complete the concentration of German forces as well as meteorological conditions were the factors that determined the time limits for the attack.

As in all previous cases of criminal fascist aggression, we see one and the same thing—the criminal intent of the predatory invader, treachery, and cold calculation.

Preparations for the successive acts which had been carried on over a very long period followed the customary Hitler routine, already disclosed by the prosecutors: Fifth Column activities, the use of the protection of the German minority as a slogan and the lying practice of peaceable declarations combined with unceasing preparations for invasion. As I have already stated, the preparation of the crime was carried on over a very long period and followed the customary Hitler routine already disclosed by the prosecutors.

On 27 March 1941, on the very day when Hitler signed Directive 025, he personally conducted, in Berlin, a special conference on the situation in Yugoslavia. The minutes of this conference were presented by the United States Prosecution on 4 December 1945 as Document Number 1746-PS.

Other documents relating to this conference have also been registered under the same number. At the conference, the objective was determined with absolute precision and a plan of action was presented. You will, Your Honors, find the passage I have quoted on Page 349.

Hitler declared:

> "... we are not going to wait for any declarations of loyalty by the new government, but to carry out all preparations for the destruction of the Yugoslav armed forces and of Yugoslavia itself as a national unit.

> "...it is especially important from the political point of view that the blow against Yugoslavia should be carried out with the utmost violence and that its military destruction should be effected with lightning speed."

And a little further back in the document is stated:

> "No diplomatic inquiries will be made and no ultimatum presented.... The attack will start as soon as the necessary supplies and troops are ready."

Thus, Hitler was not in the least interested in the factual attitude of one or the other Yugoslav Government toward Germany, but in the factual destruction of Yugoslavia as a state; and he strove to accomplish this destruction with cruelty and lightning speed.

The operational staff of the OKW, meticulously following Hitler's directive regarding a cruel and rapid destruction of Yugoslavia, speedily worked out a detailed plan for co-ordinated operations of the German and Italian Armies. It was issued as an official operational directive dated 28 March 1941. I consider it essential to reread three lines of this document, already submitted to the Tribunal under the same Document Number 1746-PS. You will find it on Page 352 of the document book. I read Paragraph 4 of this document into the record.

> "...The German task is to attack Yugoslavia with the greatest possible concentration of forces, to smash its armed forces and destroy it as a state."

I cannot but remind the Tribunal of the terminology used by Hitler and the other fascist conspirators. Hitler said, "There can be no question of sparing Poland." He demanded, "Yugoslavia is to be eliminated as a state, ruthlessly and with lightning speed."

Mercilessness, ruthlessness, extermination of peoples and states: such was the style and meaning of the actions of the fascist conspirators.

The aggression against Czechoslovakia, the attack on Poland, the desire to destroy Yugoslavia, all these were links in the same chain. But the chain does not end with these links.

The task of the next representative of the U.S.S.R. Prosecution will be to show Your Honors that the fundamental purpose of these criminals, the main link in the center of all of the Hitlerite conspiracies, was the attack on the U.S.S.R.

The documents relating to the crimes against Yugoslavia will prove that, in attacking that country, the fascist conspirators strictly followed their customary methods. Even in detail they repeated their earlier crimes perpetrated against Poland, Austria, and Czechoslovakia. Even in case we did not know who actually organized the attack on Yugoslavia, the very nature of the facts, the sequence of events, the manner in which the crimes were perpetrated, would unmistakably indicate the culprits.

I turn to Document USSR-36, (Exhibit Number USSR-36) under which number I offer in evidence the Official Report of the Yugoslav Government.

The first section, entitled "The Systematic Preparation of the Conspiracy for the Enslavement and the Destruction of Yugoslavia," contains a series of valuable information. I wish to cite that excerpt from this document which you will find on Page 355 of the document book, Paragraph 4 on Page 3 of the Russian text, 3rd paragraph from the top reads:

> "The Government of the Third Reich and the Hitlerite Party secretly organized the German minority. Settled in Yugoslavia by the Austrian emperors over a century ago, the Germans enjoyed as brothers full rights and a cultural autonomy. They had their own schools and their representatives in parliaments as well as in the local government. They numbered half a million (that is about three percent of the total population). From 1920 they had their mass organization—the Swabian-German Cultural Union—'Kulturbund' for short. And out of this very organization and through it, as well as out of all the Germans in Yugoslavia, the Nazi Party created a political and military organ for the destruction of Yugoslavia."

I believe I can skip several lines without loss and quote further:

> "In Yugoslavia, the Nazi Gaue were secretly formed and Gauleiter appointed. Under the guise of various physical training and sport associations, Hitlerite units were organized half a million strong. Numerous 'tourists,' 'travellers,' 'businessmen,' and 'relatives' came from the Reich—in reality they were Nazi instructors and organizers."

I skip a number of details which can be disregarded, and pass to the second paragraph of the same section on Page 4—that would be Page 356 in your document book—where the manner is described in which the Fifth Column was further strengthened. I now shall read into the record Paragraph 2, beginning with the second subparagraph:

> "The Hitlerites drew into their orbit all the separatist and chauvinistic elements, as for instance, Pavelich's Ustasha; the Zbor, a movement headed by Ljoteč; the MFRO (the Macedonian fascist movement), headed by Vanca Mihajlovič; and organized them as terrorist organizations with headquarters in Berlin. On the other hand, acting through their agents, Prince Paul, Stojadinovič, Cvetkovič, and Čincar-Marcovič,

> they attracted the pan-Serbian centralists and turned them into a terrorist group which, from the vantage points of governmental authority, was 'peacefully' to deliver Yugoslavia into slavery by adhering to the Tripartite Pact."

Further, the report emphasizes the fact that, while organizing numerous branches of the Fifth Column, the Hitlerites continually gave newer and more perfidious assurances about their ostensibly friendly intentions with regard to Yugoslavia. This is discussed in Paragraph 3 on Page 5 of the Russian text; our Document Number USSR-36. You will find this passage, Your Honors, on Page 357 of the document book:

> "3. At the time when both the Hitlerite Government and the Party were so thoroughly and with such versatility preparing their conspiracy to invade and occupy Yugoslavia, Hitler seized every opportunity to declare to the whole world, on behalf of the same Government, the same Party, and the whole of Germany, that Yugoslavia could count on them as devoted friends."

On 17 January 1938, that is, some weeks before the occupation of Austria, Hitler had a meeting with the then Prime Minister of Yugoslavia at which the Defendants Göring and Von Neurath were present. The original document from which I shall quote certain passages was submitted to the Tribunal as Document Number TC-92. The extract which I shall quote further on as documentary evidence, is dated 4 December 1945. You will find it on Page 411 of the document book.

On 4 December 1945 a printed collection of German documents dealing with the conflict with Yugoslavia and Greece was offered to you in evidence. In the listing of documentary evidence it is referred to as Document Number TC-92.

On Page 68—and you will find it as I have already stated on Page 411 in your document book, as Document Number 28 of that collection—we have a transcript of the conversations which took place during the conference of 17 January 1938. I consider there is no need to read the entire document into the record. I shall limit myself to the following three remarks made by Hitler on that occasion, "As regards Yugoslavia, Germany is highly interested in the existence of a strong Yugoslavia." Somewhat later in the course of the same conversation Hitler spoke the second sentence, "Whatever may happen there, Yugoslavia's present boundary will remain as inviolable as the border on the Brenner is today." In addition Hitler, at this meeting, made the following statement, ". . . the German nationality group in Yugoslavia was loyal to the Yugoslav Government. . . ."

On 30 January 1939, some weeks before the occupation of the Czechoslovak Republic, Hitler made the following declaration about Yugoslavia in his speech before the Reichstag—this quotation is to be found on Page 412, in your document book:

> "... a state which since the Great War has more and more attracted the attention of our people, in Yugoslavia. The respect which the German soldier felt for that valiant people in the past, has grown ever stronger and developed into sincere friendship...."

The fascist conspirators considered it useful to include this speech as Document Number 32 in the book from which I just have quoted and presented to the Tribunal as Document Number TC-92.

On 1 June 1939, that is, before the fascist attack on Poland, Prince Paul of Yugoslavia, whom the official report of the Yugoslav Government calls a Hitlerite agent, paid a visit to Hitler. On this occasion, Hitler stated in Berlin—you will find the passage on Page 413 in your document book:

> "... Germany's friendship with the Yugoslav nation did not spring up suddenly. It was deepened and strengthened by the tragic complications of the World War."

Then, after having made a few more statements which are of no interest to the Tribunal, he continued:

> "I am all the more confident that now when, as a result of the historic events, we have become neighbors with common frontiers established forever, the friendly relations between Germany and Yugoslavia, trustful and steadfast, will not only secure lasting peace between both our peoples and countries, but moreover will serve as a calming element for our nervous, excitable continent."

I repeat once more that I quote from the book, Document Number TC-92.

In his next customary speech after the defeat of Poland, before the Reichstag on 6 October, Hitler reassured Yugoslavia of his love of peace and of his friendly attitude in the following words:

> "... after the annexation had taken place, I assured Yugoslavia in the same manner that her frontier with this country shall be regarded as inviolable by Germany from this moment on, and that we want to live in peace and friendship with her...."

I am now going to read into the record a few paragraphs from Subparagraph 2 on the first section of the report of the Yugoslav State Commission for the investigation of the crimes perpetrated by the aggressors. The excerpts in question begin with Paragraph 3, on Page 6 of Exhibit Number USSR-36 (Document Number USSR-36). In your document book it is Volume I, Section I.

Thus, Hitler regularly gave assurances about friendly relations with Yugoslavia and about the inviolability of her boundaries while, at the same time, his band of conspirators and enslavers were already tightening the ring of war around Yugoslavia. When Yugoslavia was completely surrounded by Hitler's Panzer divisions, and when the government of the Centralist Fifth Column of Prince Paul, Cvetovič, and Maček was ready to join the Tripartite Pact on 25 March 1941, that is, 10 days before the attack on Yugoslavia, the Defendant Ribbentrop stated as follows—on Page 413 of your document book you will find it, in Document Number 2450-PS:

> "Germany herself—and I solemnly state this—has neither territorial nor political interests in this region."

The Tribunal has already been handed a certified extract from Document Number 72 of the above-mentioned German book.

An official note from the Reich Government of the same date reads as follows—you will find this on Page 415 of the document book:

> "Mr. Prime Minister: On behalf and on the direction of the German Government, I have the honor to report to Your Excellency as follows:
>
> "In connection with today's adherence of Yugoslavia to the Tripartite Pact, the German Government affirms its resolution to respect at all times the sovereignty and territorial integrity of Yugoslavia....
>
> "Signed, Joachim von Ribbentrop."

The culminating point in the execution of the breach of faith so cunningly prepared by the fascists is the following statement made by Hitler on 6 April 1941, that is, at the moment when the perfidious and treacherous attack on Yugoslavia had already begun. It is under Document Number TC-92 in your book of documents, on Page 414:

> "The German people feel no hatred towards the Serbian people. Above all, the German people see no reason to start a war against the Croats and Slovenes; they want nothing from these peoples."

Certified excerpts have been handed to the Tribunal from the documents of the German book already quoted on Pages 1 and 4.

At the same time when he was speaking in this manner, the occupation, annexation, and dismemberment of the Yugoslav State was already taking place. Soon after began the bombing of undefended cities, towns, and settlements; forcible evictions; deportations to camps; punitive expeditions; and hundreds of other acts that were a part of the planned extermination of the Yugoslav people, which resulted in the death of 1,650,000 Yugoslav men, women, and children.

On the question of the preparation for the attack on Yugoslavia and the individuals who directly supervised this crime, we have at our disposal two very valuable pieces of evidence.

The first is the original affidavit of the German General Löhr. Prior to and at the time of the aggression against Yugoslavia, he was in command of the 4th Air Fleet. It was precisely his air units which carried out the raids on Belgrade. He is undoubtedly a man well acquainted with the course of operations and its leaders.

On 24 May 1945 General Löhr was taken prisoner by the Yugoslav forces. During interrogations to which he was subjected between 24 May and 6 June 1945 he states—you will find the respective excerpts on Page 416, as excerpts from our Document Number USSR-253 (Exhibit Number USSR-253). We submit the originals of these excerpts to the Tribunal:

> "I and my staff went on March 26 to Sofia as the campaign against Greece was about to begin.
>
> "On the following day, 27 March 1941, the *coup d'état* took place in Yugoslavia. I was called unexpectedly to Berlin, where I received orders from Reich Marshal Göring to prepare for air operations against Yugoslavia....
>
> "After this, preparations against Yugoslavia were begun. At my first meeting with Göring I was not told of the date of the beginning of the war against Yugoslavia. At Vienna, I received a written order in which the beginning of the operations was fixed for 6 April."

Passing over the rest of the statement, I proceed to read into the record excerpts from the minutes of the interrogation of the former Field Marshal of the German Army, Friedrich Paulus. In accordance with the wish of the Tribunal, we submit the original of this interrogation.

Friedrich Paulus was interrogated on 12 January 1946 by the Chief Prosecutors of the U.S.S.R. His testimony is registered with us as Exhibit Number USSR-182 (Document Number USSR-182). You will find the passage quoted on Page 419 of your document book. My colleagues of the Soviet Delegation will probably revert to this document when dealing with subsequent matters. I shall therefore merely quote that part which refers to the preparations for the attack on Yugoslavia.

> "It was clear to both German and Hungarian officers that these military preparations must have been based on the preparation of military collaboration between Germany and Hungary."

THE PRESIDENT: Colonel Pokrovsky, the Tribunal understand that the first interrogatory to which you refer—General Löhr's—which is contained in Document Number USSR-253, is an official document?

COL. POKROVSKY: Yes.

THE PRESIDENT: The official document of your Government. The other interrogatory to which you refer, of Field Marshal Paulus, is not an official document, is it?

COL. POKROVSKY: The minutes of the interrogation of Field Marshal Paulus have been compiled in compliance with all legal standards of procedure applying to such interrogations by judicial organizations in the U.S.S.R. He is interrogated as a witness with the warning that he must tell the truth, in accordance with Articles 95 and 92 of our penal code. These documents, in the U.S.S.R., are considered as absolutely official documents, of full probative value, to be submitted to the Tribunal when necessary.

THE PRESIDENT: Could you tell us where the interrogatory was made?

COL. POKROVSKY: Paulus was interrogated in person in Moscow, on 12 January 1946. This, Sir, must have been pointed out at the beginning of the interrogation.

THE PRESIDENT: The date is on the document, but not the place. Go on, Colonel.

COL. POKROVSKY: With your permission, I shall continue my quotation from the minutes of the interrogation of Field Marshal Paulus, submitted to you:

> "It was clear to the Hungarians that Germany's assistance was in order to prepare the Hungarian Army in good time and in advance for future combined military operations, thus incorporating an ally into its ranks.
>
> "With the later attack on Yugoslavia, which followed this, there was no need for special explanations as to the object of these military preparations.
>
> "It was clear that armed forces were being made ready for war with the U.S.S.R., as the attack on Yugoslavia was part of the operational plan for the attack on the U.S.S.R.
>
> "With the defeat of Yugoslavia, the right flank, which was to be formed at the beginning of military operations against Russia, was secured."

I shall leave out one paragraph which deals with another subject, and continue to quote:

> "The preparation of the combined German-Hungarian attack on Yugoslavia was entrusted to me. On 27 or 28 March 1941

I was called before Hitler at the Reich Chancellery where, besides Hitler, Keitel, Jodl, Halder, and Brauchitsch were present. Halder met me with the following words:

" 'The Führer has decided to attack Yugoslavia in order to eliminate the threat to the flank during the offensive against Greece and to seize the main Belgrade-Nish railway line which runs in a southerly direction. But the main objective of the attack on Yugoslavia is to have our right flank secure when later on the Plan Barbarossa shall be carried out.

" 'Your task is to go to Vienna immediately in my special train, and to transmit the orders and explain the situation to Field Marshal List (12th Army Group), General Von Kleist (Panzer group), and Colonel Von Witzleben (Chief of Staff of the 2d Army), who have been called there.

" 'From Vienna, you are to proceed to Budapest and there to co-ordinate with the Hungarian General Staff the strategic employment of the German forces on Hungarian territory and the participation of the Hungarian forces in the invasion of Yugoslavia.' "

The participation of Hitlerite generals of the very highest rank in the treacherous attack on Yugoslavia simply does not fit, in any way at all, into the execution of purely military tasks only.

I shall read one more document into the records, Document Number 1195-PS. You will find it in your document book on Page 423.

On 9 January 1946 four lines were read here from the second section. The time has now come to read it in full:

"Copy. Supreme Command of the Armed Forces, Operational Staff, Section L, (IV/QU), Number 00630/41; top secret, commanders only; Führer's headquarters, 12. 4. 1941.

"Reference: OKW/L, (IV/QU), Number 4434/41; top secret, commanders only, of 3 April 1941.

"Provisional Directives for the Partition of Yugoslavia.

"I. The Führer has issued the following directions for the partition of Yugoslavia:

"1) Former territory of Styria and Carniola.

"The territory of the former Styria, extended to the south by a strip of about 90 kilometers in breadth and 10 to 15 kilometers in depth, will go to Gau Styria.

"The northern part of Carniola, with a borderline running south only as far as the river Sava but north of Ljubljana, according to the attached OKH map, is to become part of Carinthia.

"The High Command of the Army (OKH) is to hand over the territory occupied by the German troops, to the competent Gauleiter, subarea by subarea, as soon as the pacification of the country permits.

"The handing over of the territory occupied by the Italians will be prepared by a letter from the Führer to the Duce and carried out under direct orders from the Foreign Office. Until that time no measures whatever are to be taken on the German side. (Teletype OKH-General Quartermaster, Abt. Kr. Verw., A., Ob. Kdo. 2 I, Number 801/41, top secret, is hereby executed.)

"2) The territory beyond the River Mur (Übermur-Gebiet).

"The territory beyond the River Mur borders closely upon Hungary, conforming with the historic boundary. A later colonization of the German population living in the northwestern part of this territory has been taken into consideration. The handing over of this territory to the Hungarians will be regulated by the High Command of the Army.

"3) Banat.

"The territory from the point where the River Drava cuts the Hungarian boundary to the confluence of the River Tisa with the Danube is to go to Hungary. The territory east of the Tisa will be at first under German protection, as will the territory south of the Danube and east of the general line: confluence of the River Morava and the Danube-Pozarevac-Petrovac-Boljavac-Knjazevac-Kalna. This territory includes the Bor copper mines and the adjoining coal district in the southeast. The above line is considered as the basis and provisional demarcation line. At first, German military government is to be established under the High Command of the Army.

"4) Southern Serbia.

"The territory inhabited by Bulgarian Macedonians goes to Bulgaria, in conformity with the ethnographical boundary. Preliminary delimitation of the frontier, from the military viewpoint, will be carried out by the Supreme Command of the Army, which will prepare the handing over to Bulgaria.

"5) Old Serbia.

"The territory of old Serbia will be placed under German military administration under the High Command of the Army.

"6) Croatia.

"Croatia becomes an independent state within its ethnographical boundaries. There will be no interference on the part of Germany with its internal policy.

"7) Remaining territories including Bosnia and Montenegro.

"The political organization of these territories will be left to Italy. Here also the restoration of an independent state of Montenegro can be considered.

"II. The Demarcation of Boundaries:

"1) As far as the demarcation of boundaries has not been laid down in Part I, it will be carried out through the Supreme Command of the Armed Forces in agreement with the Foreign Office, the Plenipotentiary for the Four Year Plan, and the Reich Minister of the Interior.

"The Operational Staff of the Supreme Command Armed Forces (L IV QU) is the executive organ for the Supreme Command of the Armed Forces.

"2) The High Command of the Army will forward as soon as possible to the Operational Staff, Supreme Command of the Armed Forces its military recommendations relative to the drawing up of boundaries outside the territory of the protectorate south of the Danube, where this has not been already laid down by the Führer.

"3) The War Economic and Armament Office of the OKW will forward as soon as possible to the Operational Staff (Section L) its recommendations regarding the boundaries of the territory of the protectorate south of the Danube (Part I, Paragraph 3).

"4) As far as the Italians are concerned, the tactical boundaries between the armies hold good in the meantime.

"Chief of the Supreme Command of the Armed Forces, signed, Keitel."

This document, signed by the Defendant Keitel, smashes to pieces the mendacious statement of the nonparticipation of the OKW in the political side of the fascist plan or conspiracy. The German generals, as a body, were not merely an obedient tool in Hitler's hands.

The OKW, the Ministry for Foreign Affairs, and the Gestapo were interwoven into one sole entity. This is also borne out by the next document.

General Nedič, ex-Prime Minister of the quisling Yugoslav Government, in his depositions gives some interesting information on this question.

Before reading into the record a few excerpts from his depositions, I must say a few words concerning four Germans, whom Nedič mentions by name. He speaks of Kraus, Turner, Kiesel, and Kronholz.

Dr. Kraus was chief of the Gestapo South East, with central offices in Belgrade. Dr. Turner was chief of staff of the civil administration department attached to the German Military Command in Serbia. Dr. Kiesel was Dr. Turner's deputy. Kronholz held no official post. He had lived in Yugoslavia even before the war and was director of the German transport firm Schenker A.G. Subsequently he turned out to be an important German intelligence agent. This information is certified by the Yugoslav Extraordinary Commission for the investigation of German atrocities. After this explanation, I shall read into the record a short excerpt from the evidence of the Serbian quisling, General Nedič. A true copy of the interrogation or rather excerpts from his minutes are registered by us as Document Number USSR-288. I am able to submit to you now, for your perusal, the original of these minutes with Nedič's signature. Unfortunately I am not in a position to leave it with you in its entirety because it refers to a case concerning Yugoslavia which has not yet been finished, but I can hand it to you for perusal by the Tribunal, while the certified excerpts remain with us as evidence.

THE PRESIDENT: Colonel Pokrovsky, the Tribunal understand that you wish to put this document in as evidence and then to withdraw it for the purpose of its being used in some other cases; is that right?

COL. POKROVSKY: I should like to submit to you as evidence in this case, the excerpts from the minutes, duly certified by the Yugoslav Extraordinary Commission, in order that the minutes now in your hands, that is—the original minutes—may be returned to Belgrade where they will be presented as a document needed in another case which is still under investigation. I would therefore request you to keep a copy for the Tribunal after you have satisfied yourselves that this copy tallies with the original.

THE PRESIDENT: Well then, if that is so, we must ask you to deposit with this Tribunal a photostatic copy of this document, because, of course, all the documents or photostatic copies which are put in evidence must de deposited with the General Secretary of this Tribunal. So, if you will undertake to have a photostatic copy made of this document and left with the General Secretary, I think the Tribunal is agreed that you may do so, that you may use this document.

COL. POKROVSKY; Will the Tribunal be satisfied with the certified photostatic copy, in addition to the certified excerpts and a photostatic copy of the part which I am about to quote?

THE PRESIDENT: Yes, certainly.

COL. PROKOVSKY: Thank you.

> "I came to know Kronholz during the occupation period, before I became Prime Minister. As far as I can remember, he was brought to me by the Chief of the Gestapo, Dr. Kraus. ... Then Kronholz insisted that I should accept the proposed post.
>
> "Turner received me in the presence of Dr. Kiesel and said that he authorized me, through General Dankelmann, the German military commander in Serbia, to form an authoritarian government....
>
> "Almost simultaneously with the creation of my government, the Germans established contact with a group of Chetniks under the command of Pečanač, who had until then been hiding in the forests. The contact was also established through the Chief of the Gestapo, Dr. Kraus. Shortly after this, Pečanač arrived in Belgrade, called to see me, and offered his services. That is how my government came to form its first armed units."

A little farther on, in the same minutes, we find the following record of Nedič's testimonies:

> "As soon as the formation of my government had been proclaimed at the beginning of September 1941, a delegation with authority from Draga Michailovič called on me to start negotiations."

Nedič enumerates the terms, which are of no interest to us, and then says:

> "I, for my part, accepted all these terms and offers. Draga Michailovič received money and the Germans permitted this."

This is the end of the quotation.

Still another part of this record seems of importance to me; it concerns Nedič's visit to Hitler and the Defendant Ribbentrop. Nedič stated:

> "I noticed that at the meeting with the Defendant Ribbentrop, a demand was made that I should place all the spiritual and material resources of Serbia at the disposal of the German Reich for the continuation of the war."
>
> Speaking of this meeting with Hitler, Nedič stated:
>
> "He shouted at me, emphasizing that the order concerning 100 for one not only would have to be altered, but that it should have been increased to 1000 for one. He added also that he was prepared to exterminate the entire population if the Serbians continued to act like rebels."

The head of fascist Germany wished to control the Slav countries as if they were his own patrimony. Here he was helped by generals, diplomats, industrialists, and intelligence officers. All the acts of aggression were prepared and realized with their direct participation.

I repeat: The German generals as a body were not merely an obedient tool in Hitler's hands. The Defendants Keitel, Jodl, and Göring personally participated in the planning, preparation, and realization of crimes against peoples and states.

Document 1195-PS added yet another proof in the establishment of this fact. The above named defendants, together with Neurath, Frick, Schirach, Frank, Seyss-Inquart, and Ribbentrop, are directly guilty of the very grave crimes which I reported to the Tribunal.

National Socialism cannot be separated from the idea of war. This is acknowledged by the Hitler slaves themselves.

In other words, Hitlerism and aggressive war are one and the same thing. And if wars are not always planned by military leaders only, it is always they who conduct them. The responsibility for aggression, for aggressive war, for the death of millions, for bestialities, for the destruction of cultural treasures and material wealth, must be borne by all the major war criminals now sitting in the dock.

THE PRESIDENT: We will adjourn now.

[A recess was taken.]

DR. NELTE: Mr. President, I would like to ask the Tribunal for a ruling as to a general question of submission of evidence. The Russian Delegation has submitted books which contain statements by generals and statesmen, without these statements being accompanied by an official remark by the Soviet authorities.

The documents which have been given to me today—USSR-149. 150, and 294—are only photostats of handwritten manuscripts. They contain neither a remark which could qualify them as affidavits, nor do they represent testimonies taken before a Soviet official or officer, nor do they represent governmental or official declarations.

I should be grateful to the Tribunal if it would make a decision on this question in accordance with Article 21 of the Charter. The opinion of the Defense Counsel is that such statements have only the value of a personal presentation by the Prosecution but no probative value.

THE PRESIDENT: May I see the documents?

[The documents were presented to the Tribunal.]

The Tribunal have no objection to the course taken by Dr. Nelte in drawing their attention to these documents at this stage. But they think it will be better for them to wait until the documents are actually offered in evidence before they consider whether or not they will admit them. If and when the documents are offered in evidence, they will then consider whether they will admit them or not.

COL. POKROVSKY: With the permission of the Tribunal, I wish to present Major General Zorya, State Councillor of Justice of the 3rd Class, who will present the materials on the following theme of "Aggression against the Soviet Union."

DR. LATERNSER: I should like to point out that the decision of the Tribunal, that every defendant's counsel should receive, sufficiently in advance, a copy of all documents which are to be submitted as evidence in the course of the proceedings, has not been complied with. It is, therefore, difficult for the Defense to follow the proceedings because the documents submitted have not been distributed in sufficient quantity.

THE PRESIDENT: I don't think the Tribunal have ever imposed upon the Prosecution the duty of supplying a copy of every document to every member of defendants' counsel.

You no doubt have before you a copy of the Tribunal's order upon the subject, and I believe that the order is posted upon the board in the defendants' Information Center. If I remember correctly, it is that a certain number of originals or photostatic copies shall be deposited in the Information Center, and that a certain number of copies of the documents shall be supplied to the defendants' counsel, and that, for the rest, the defendants' counsel must rely upon the fact that every document or part of a document which is put in evidence is read in open court and, therefore, comes through the earphones to defendants' counsel and will appear in the shorthand notes. We have provided that copies of the shorthand notes shall be supplied to defendants' counsel as soon as possible after the day on which the evidence is given. Beyond that we have not thought it right to impose a duty upon the Prosecution to supply documents to the defendants' counsel.

Is that not in accordance with your recollection?

DR. LATERNSER: Mr. President, the American Prosecution, the British Prosecution, and also the French Prosecution, in the course of the proceedings, handled this in such a way that enough copies of all documents were made available to the Defense for each defendant's counsel to have one copy before him. I believe that what is possible for the other Prosecution should also be possible for the Soviet Prosecution, in order to facilitate the work.

THE PRESIDENT: That is a belief on your part which is not strictly in accordance with the Tribunal's orders. The Tribunal has not made that order, and it may be that the United States and Great Britain have gone beyond the Tribunal's orders, and have supplied a copy to each defendant's counsel. But, as I say, the

Tribunal has not as yet seen fit to impose that duty upon the Prosecution.

I suppose you don't really know exactly how many copies of these Soviet documents have been deposited in the Information Center?

DR. LATERNSER: I don't know the exact number. At any rate, there were not enough for each defendant's counsel to get a copy of each document, as was the case, so far, with the other Prosecutions.

THE PRESIDENT: Well, you no doubt understand the very great difficulties of making translations and making copies. I am sure that the Soviet prosecutors will do everything in their power to assist defendants' counsel, but, as I say, we have not imposed upon the Prosecution the duty of supplying one copy of a translation into German of each document for each defendants' counsel. I can only express the hope that the Soviet prosecutors will do the best they can.

DR. LATERNSER: Mr. President, I remember, when the fact became known that the press had received 250 copies of the documents, you, Mr. President, expressed the opinion that it should then also be possible to distribute 25 copies to the defendants' counsel. That was, at that time, the opinion of the Tribunal.

THE PRESIDENT: The Tribunal's orders on this subject are in writing and you will find them in the defendants' Information Center. I have stated my recollection of them; if I am wrong, you can bring me a copy of the document and I will withdraw my statement.

MAJOR GENERAL N. D. ZORYA (Assistant Prosecutor for the U.S.S.R.): May it please Your Honors, it is my task to present the documentary evidence dealing with the aggression against the Union of Soviet Socialist Republics, organized by the fascist war criminals now sitting in the dock.

This charge of the crime, mentioned in Subparagraph a, Article VI of the Charter of the International Military Tribunal, was formulated in Paragraph 6, Section 4, Count One of the Indictment in the present case, and in Section IV of the opening statement by the Chief Prosecutor from the U.S.S.R., General Rudenko.

Among the many criminal wars which German fascism, with predatory aim, waged against the freedom-loving nations, the attack on the Union of the Soviet Socialist Republics occupies a place by itself.

It can be safely said that the predatory war against the Soviet Union was the keynote of the entire fascist conspiracy against peace. The aggressive actions on the part of German fascism committed prior to the attack on the U.S.S.R., and in part the German aggression against Czechoslovakia, Poland, and Yugoslavia, were, as has been demonstrated by my colleague, Colonel Pokrovsky, merely stages on the road to the attack on the Soviet Union.

Ukrainian wheat and coal from the Don Basin, nickel from the Kola Peninsula, and oil from the Caucasus, the fertile steppes of the pre-Volga region and the forests of Bielorussia all played a decisive part in the criminal schemes of the fascist aggressors.

The war against the Union of the Soviet Socialist Republics was also waged by fascist Germany with the intent of enslaving and exploiting the Soviet peoples.

In the war of fascist Germany against the Soviet Union, the animal hatred of the Hitlerites against the Slav peoples found its full horrifying expression.

And finally, German imperialism, appearing in its fascist edition, saw in the seizure of the wealth of the Soviet Union and in its incalculable resources of food and raw materials a base for the realization of their far-reaching aggressive aims to achieve, first, ascendancy over Europe, and, later on, ascendancy over the whole world.

The well-known formula of German imperialism, "Drang nach Osten," mentioned in the opening statement of the Chief Prosecutor of the U.S.S.R., was at different times and in many different ways disguised by the fascist criminals, but always, in all their aggressive plans, pride of place was given to the attack on the Soviet Union.

> "If new territory is desired"—wrote Hitler in his book, *Mein Kampf*—"in substance it can be secured at the expense of Russia. The new empire must move along the paths trodden by the knights of old." (Hitler, Adolf, *Mein Kampf,* Munich edition, 1930, Page 742.)

The fact that having definitely brought fascist aggression to a head in 1939, Hitler began the war in the West, did not substantially change anything in this basic conception of fascism.

Under Document Number 789-PS the United States Prosecution submitted to the Tribunal the transcript of the conference held on 23 November 1939 between Hitler and the members of the German Supreme Command.

At this conference, Hitler, according to his own expression, gave a "survey of the thoughts dominating him in connection with the events to come."

In the course of this survey he declared—you will find the passage I am now reading on Page 3 in the document book lying on the table of the Tribunal, Page 2 of the Russian text:

"For a long time I hesitated whether I should not begin with an attack in the East, and only then with the one in the West. It came about by force of events that for the nearest future the East dropped out of the picture."

This statement by Hitler bore witness to the fact that the attack on the Soviet Union remained within the plans of fascist aggression, and the whole question was reduced only to the problem of selecting the most favorable moment for this attack.

It should be noted that this western version of the start of fascist aggression was not considered as the most favorable version by the authors of the aggression.

This same Hitler, exactly 5 months prior to the above-mentioned conference, at another conference of 23 May 1939 (Document Number L-79), while briefing his accomplices on the present situation and political aims, had said—the passage I am now quoting is Page 6 of the document book, "If fate forces us into a conflict with the West, it would be desirable that we, by that time, possess more expanse in the East."

The vast expanses in the East, according to the aspirations of Hitler's conspirators, were to play a decisive part during the conflict in the West.

Therefore, when the fascist hordes were unable to force the Channel, stopped at its shores, and were obliged to find new ways of aggression, the conspirators immediately began to prepare for an attack on the Soviet Union. This attack was the basis of all their plans of aggression, without which they could not be realized.

I believe it is not necessary to refer to documents of an earlier period, and particularly to quote any further from Hitler's book, *Mein Kampf*, where questions connected with the predatory attack on the Soviet Union were formulated long before 1939.

This book has already been presented to the Tribunal, and relevant passages from it were quoted as evidence by our United States and British colleagues.

The Soviet Prosecution desires to submit to the Tribunal a series of documents which bear witness to the fact that the aggression of fascist Germany against the Union of Soviet Socialist Republics was committed with malice aforethought.

Among these documents there are files from various archives captured by units of the advancing Red Army, statements by fascist leaders published in the press, including those by several of the defendants, and depositions by persons who were in possession of reliable information as to how the preparations for the attack on the Soviet Union were actually carried out.

The documents of the Soviet Prosecution are presented under the following sections:

1. Preparations for war in Germany itself. 2. Assuring the security of the preparations for war by the intelligence activities. 3. The securing by the fascist conspirators of the participation of the satellite countries in the aggression against the Soviet Union.

I shall begin with Section 1, which I shall call, "Preparations for War in Germany Herself."

The statements of Hitler and his accomplices demonstrate that the idea of a criminal attack on the Union of Soviet Socialist Republics had for a long time been ripe in the minds of the fascist conspirators. But apart from this fact, we are also interested in the question as to when this intention began to take on the concrete form of direct military preparations for the predatory war against the Soviet Union.

On 18 December 1940 the directive known to the Tribunal as directive Number 21, Plan Barbarossa—the document of the United States Prosecution numbered 446-PS—was put into its official form. The moment when the signature of the Supreme Command appears on such a document is the moment which crowns long and intensive work by all who formed the links in the chain of military administration.

This work may not have been governed by written orders. The secrecy camouflaging this work often made it necessary to have recourse to verbal orders. And, on the other hand, many orders of a routine nature, on the strength of an already existing strategic project, became correlated, although outwardly they seemed to have no connection with it.

It therefore appears that, with regard to establishing the actual moment at which military plans for the attack on the Soviet Union began...

THE PRESIDENT: General Zorya, the Tribunal observes that you are about to read a deposition of General Warlimont, who, the Tribunal understands, is in Nuremberg, and the Tribunal considers that, in accordance with the order that it made the other day in another case, in the case of another deposition, that if the defendants' counsel desired, and you wish to use this deposition, you ought to be prepared to allow General Warlimont to be submitted to the defendants' counsel for cross-examination.

GEN. ZORYA: I am about to read into the record an extract from the interrogation of General Warlimont. This interrogation was carried out by General Alexandrov of the Soviet Prosecution, and if the Defense desires to call General Warlimont for cross-examination here before the Tribunal, the Soviet Prosecution will do its utmost to satisfy this request.

THE PRESIDENT: That is, of course, on the supposition that I am right to saying that General Warlimont is in Nuremberg—available in Nuremberg. Go on.

GEN. ZORYA: I am definitely of the opinion that it would be useful, when establishing the actual moment of the beginning of military operations for the attack on the Soviet Union, to resort not to documents only—for not everything is always put down in writing—but to revert to the testimony of people who participated directly in the realization of these preparations.

I should now like to pass on to those depositions of Walter Warlimont which you, Mr. President, have just mentioned. These depositions were given by Warlimont on 13 November 1945. I am presenting them as evidence under Document Number USSR-263.

Walter Warlimont, as is known, was the Chief of the Department of National Defense in the OKW, and later Deputy Chief of the Operational Staff.

I shall read into the Record that part of his deposition which touches on the question before us. I ask you to turn to Page 2 of the Russian text of this document, which is on Page 20 in the bundle of documents presented by the Russian Prosecution on the question, and the answers to questions put to Warlimont:

> "Personally, I first heard of this plan"—that is Plan Barbarossa—"on 29 July 1940. On that day General Jodl arrived in a special train at Bad Reichenhall, where Department 'L' of the Operational Staff was stationed. Hitler was in Berchtesgaden. This struck us immediately, because General Jodl had, till then, hardly ever, I believe, come to see us. Besides myself, the three other senior officers were ordered to be present."

I now skip several lines and pass on to Page 3 of the minutes of Warlimont's interrogation; this will be Page 21 in the bundle of documents:

> "I cannot repeat his statements verbatim. The meaning was as follows: Jodl said that the Führer had decided to prepare for war against Russia. The Führer justified this by saying that war had to come one way or another, so that it would be better to prosecute this war in connection with the one already being fought, and, in any case, to start the necessary preparations for it."

I skip several lines which are not relevant to the question we are dealing with and continue:

> "Then or at a later date Jodl declared that Hitler intended to begin the war against the Soviet Union as early as the autumn of 1940, but later he gave up this idea. The reason was that

> the deployment of the troops at that time could not yet be executed. For this purpose the necessary conditions in Poland did not exist; railways, quarters, and bridges were not prepared for the advance of the tanks; communication lines and airdromes were not organized.... Therefore an order was given to establish all the conditions for the preparation and execution of such a campaign."

To the question put by the Prosecution as to whether this order was issued on 9 August 1941 and called "Aufbau Ost," Warlimont replied:

> "Yes, this order was prepared by the staff leaders in accordance with the instructions of General Jodl....
>
> "In General Jodl's opinion, the concentration could take place only after all the preparations indicated in this order had been made."

Further on in his statement, Warlimont said that Plan Barbarossa, originally called "Fritz," was presented to Hitler on 5 December 1940, after which it was re-edited and issued on 18 December.

I think that the testimony of a man like Friedrich Paulus, a former field marshal of the German Army, who, as is known, was directly concerned both in the preparations and in the execution of Plan Barbarossa, can give considerable help in investigating the preparation of this plan.

I present the testimony of Friedrich Paulus, dated 9 January 1946, given in a camp for prisoners of war, and marked Document Number USSR-156, and request that it be accepted as evidence.

DR. NELTE: Mr. President, I just wanted to remark that I do not possess a copy of the document concerning Paulus. But it seems to be the same statement which it has not yet been possible to give to the defendants' counsel. If the Soviet Prosecution could give me the statement now, I would then decide if I could present my protest for decision now in the form in which I raised it at the beginning of this session.

[Copies of the document were submitted to Dr. Nelte.]

According to the original before me now, this is a similar statement by Field Marshal Paulus. Paulus has expressed his opinion in a letter to the Government of the Soviet Union and the Soviet Delegation has, I assume, now presented the original to you. This photostat bears no official certification by the Soviet authorities, nor is the statement an affidavit which could be admitted as evidence.

Therefore, I ask the Tribunal in this particular case to give a general decision on the question which I raised at the beginning of this session as well, so that in the future the Soviet Prosecution will be familiar with the treatment of such statements by the Tribunal.

THE PRESIDENT: Do you wish to make any answer to what Dr. Nelte has said?

GEN. ZORYA: Yes, I do.

In accordance with the wish of the Tribunal, as expressed in a previous session, the Soviet Prosecution has taken the necessary measures for originals of all the documents of the Soviet Prosecution, or else documents certifying the authenticity of these documents to be placed at the disposal of the Tribunal through the good offices of the General Secretary, with indications of the places where they are to be found.

Moreover, bearing in mind that certain witnesses, whose evidence will be presented in a forthcoming session by the Soviet Prosecution, are of considerable interest and that it is possible that the Defense may wish to cross-examine them, the Soviet Prosecution will take all necessary measures to bring some of these witnesses to Nuremberg in order to hear their verbal evidence. Special interest attaches to the deposition of Paulus, extracts from which I propose to quote in my report, and which must be checked no later than this evening, after which Friedrich Paulus will be brought to the courtroom.

THE PRESIDENT: Then I understood from what you said, General, that as far as the photostatic copy of Field Marshal Paulus' statement is concerned, a certificate will be furnished—as we indicated the Tribunal wishes—that the photostatic copy is a true copy of the original, and so far as the question of producing witnesses of importance is concerned, Field Marshal Paulus will be produced as a witness for the defendants' counsel to cross-examine.

That meets your objection, I think, Dr. Nelte.

DR. NELTE: The basic principle of this question, as it appears to me, lies in the fact that official proof should be given that the statements contained in the documents submitted really represent what the persons who made them meant to say. Written statements are never more than a dubious substitute for a personal examination of a witness.

The Defense is fully aware of the difficulties encountered, particularly by the Soviet Prosecution, in producing witnesses where, for instance, reports are to be found. The Defense realizes the fact, but in those cases in which the individuality of the witness and the importance of certain questions really do matter, the personal examination of witnesses should be preferred to any statement. Wherever this is impossible, for reasons which we are unable to judge, it would however, at any rate, be desirable that those people who have made these statements should make them in the form of an affidavit or an interrogatory.

If the Soviet Delegation should produce a certificate to the effect that these statements are corresponding to the original statements, it would not mean that the documents would acquire an increased value in our eyes. We do not doubt for one moment that statements of this kind are in the possession of the Soviet Delegation. The Defense is interested not so much in the formal confirmation of the statements as in the possibility of increasing the material evidence. If the Soviet Prosecution could assist us in this respect, we should be grateful.

THE PRESIDENT: You can go on, General.

GEN. ZORYA: I repeat, I believe that the testimony of Friedrich Paulus can be of great assistance to us in our investigation. I present the testimony of Friedrich Paulus to which I have just referred and shall now read into the Record that part of his testimony which refers to the history of the preparation of Plan Barbarossa.

I request you to open the bundle of documents submitted to the Tribunal on Page 27, and there, in the text of Paulus' testimony, on Page 2, you will find the passages underlined in pencil, which I now intend reading into the Record. From 3 September...

THE PRESIDENT: Perhaps, General, since it is now a quarter to one you had better not begin this document before the adjournment.

GEN. ZORYA: I obey, Mr. President.

[The Tribunal recessed until 1400 hours.]

Afternoon Session

GEN. ZORYA: Mr. President, in pursuance of the statement made by the Soviet Delegation, I will ask for permission to bring before the Tribunal for direct examination the field marshal of the former German Army, Friedrich Paulus, who will be examined by the Chief Prosecutor of the U.S.S.R., General Rudenko.

THE PRESIDENT: Very well; the witness may be brought in.

[The witness, Paulus, took the stand.]

THE PRESIDENT: Will you please tell me your name?

FRIEDRICH PAULUS (Witness): Friedrich Paulus.

THE PRESIDENT: Will you repeat this oath after me: "I swear by God—the Almighty and Omniscient—that I will speak the pure truth—and will withhold and add nothing."

[The witness repeated the oath.]

THE PRESIDENT: Would you like to sit down?

GEN. RUDENKO: Your name is Friedrich Paulus?

PAULUS: Yes.

GEN. RUDENKO: You were born 1898?

PAULUS: 1890.

GEN. RUDENKO: You were born in the village of Breitenau, in the district of Kassel, in Germany?

PAULUS: Yes.

GEN. RUDENKO: By nationality you are a German?

PAULUS: Yes.

GEN. RUDENKO: You are field marshal of the former German Army?

PAULUS: Yes.

GEN. RUDENKO: Your last official position was Commander-in-Chief of the 6th Army at Stalingrad?

PAULUS: Yes.

GEN. RUDENKO: Will you please tell us, Witness, did you on 8 January 1946, make a statement to the Government of the Soviet Socialist Republics?

PAULUS: Yes, I did.

GEN. RUDENKO: You confirm this statement?

PAULUS: Yes, I confirm this statement.

GEN. RUDENKO: Please, tell us, Witness, what you know regarding the preparation by the Hitlerite Government and the German High Command of the armed attack on the Soviet Union.

PAULUS: From personal experience, I can state the following: On 3 September 1940 I took office with the High Command of the Army as Chief Quartermaster I of the General Staff. As such I was deputy to the Chief of the General Staff, and had in addition to carry out the instructions of a general operational nature which he delegated to me.

When I took office I found in my sphere of work, among other things, a still incomplete operational plan dealing with an attack on the Soviet Union. This operational plan had been worked out by the then Major General Marx, Chief of the General Staff of the 18th Army, who for this purpose had been temporarily transferred to the High Command of the Army.

The Chief of the General Staff of the Army, General Oberst Halder, turned over to me the continuation of the work which was ordered by the Supreme Command of the Armed Forces, on the following basis:

An investigation was to be made as to the possibilities of an attack against the Soviet Union, with regard to the terrain, the points of the attack, the manpower needed, and so forth. In addition it was stated that altogether about 130 to 140 German divisions would be available for this operation. It was furthermore to be taken into consideration that from the beginning Romanian territory was to be utilized for the deployment of the German southern army. On the northern flank the participation of Finland in the war was taken into account, but was ignored in this operational plan of the army.

Then, in addition, as a basis for the plan which was to be worked out, the aims—the instructions of the OKW—were given: First, the destruction of those parts of the Russian Army stationed in the west of Russia, to prevent the units which were fit for fighting from escaping deep into Russia; second, the reaching of a line from which the Russian air force would be unable to attack German territory effectively, and the final aim was the reaching of the Volga-Archangel line.

The operational plan which I just outlined was completed at the beginning of November and was followed by two military exercises with the command of which the General Staff of the Army entrusted me. Senior officers of the General Staff of the Army were also assigned. The basic strength requirements assumed in these military exercises were: The launching of one army group south of the Pripet territory, specifically from southern Poland and from Romanian territory, with the aim of reaching the Dnieper-Kiev line and south of it; north of the Pripet territory another army group, the strongest, from the area around Warsaw and northward, with the general direction of attack being the Minsk-Smolensk line, the intention being to direct it against Moscow later; then a further army group, namely Army Group North, from the area of East Prussia, with the initial direction of attack being through the Baltic States toward Leningrad.

The conclusion which was drawn from these military exercises was at that time that in case of actual hostilities provision should be made firstly for reaching the general line Dnieper-Smolensk-Leningrad, and then the operation was to be carried forward if the situation developed favorably, supply lines, *et cetera* being adjusted accordingly. In connection with these military exercises and for the evaluation of the theoretical experience gained therefrom, there was a further conference of the Chief of the General Staff of the Army and the chiefs of the general staffs of the army groups which had been planned for the East. And further, in connection with this conference, there was a speech about Russia by the then chief of the section Foreign Armies East, Colonel Kinsel, describing Russia's geographic and economic conditions, the Red Army, *et cetera.* The most significant point here was that no preparations whatever for an attack by the Soviet had come to our attention.

With these military exercises and conferences that I have just described the theoretical considerations and plans for this offensive were concluded. Immediately thereafter, that is on 18 December 1940, the Supreme Command of the Armed Forces issued Directive Number 21. This was the basis for all military and economic preparations which were to be carried out. In the Supreme Command of the Army this directive resulted in going ahead with the drafting and working out of directions for troop deployments for this operation. These first directions for troop deployment were authorized on 3 February 1941 by Hitler after a report by the Commander-in-Chief of the Army at the Obersalzberg; thereupon they were forwarded to the troops. Later on several supplements were issued. For the beginning of the attack the Supreme Command of the Armed Forces had calculated the time which would make it possible for large troop movements to be made on Russian territory. That was expected from about the middle of May on. Preparations were made in accordance with this. Then at the end of March this date underwent a change, when Hitler decided, due to the development of the situation in Yugoslavia, to attack this country. Consequently, in the orders issued at the beginning of April 1941 this tentative date for the start of the operation...

THE PRESIDENT: I am afraid you are a little too fast. I think you had better begin again where you said that at the end of March Hitler made a change in the plan.

PAULUS: *[Continuing]* Because of his decision to attack Yugoslavia, the date foreseen for the beginning of the attack had to be postponed by about five weeks, that is to the last half of June. And, indeed, this attack then did take place on 22 June 1941.

In conclusion, I confirm the fact that the preparation for this attack on the Soviet Union, which actually took place on 22 June 1941, dated back to the autumn of 1940.

GEN. RUDENKO: In what way and under what circumstances...

THE PRESIDENT: One moment. Did the witness give the date? He said that preparations for this attack had been made, and what I want to know is, did he give the date from which it had been prepared?

[To the witness] Did you give the date from which the preparations went forward?

PAULUS: I gave it at the beginning: From the time my personal observations began, when I entered office, on 3 September 1940.

GEN. RUDENKO: In what way and under what circumstances was the participation of the satellite states secured?

PAULUS: From personal observation, I can say the following regarding this:

About September 1940, just at the time when I had received this operational study for the attack on the Soviet Union there was planned from the outset the use of Romanian territory for the deployment of the German right or, that is to say, south wing, and that was taken into consideration from the outset. A military mission headed by the then Lieutenant General of Cavalry, Hansen, was sent to Romania. A whole panzer division, the 13th, was transferred to Romania as a training unit. To those who knew about the plans for the future it was obvious that this step could only serve the purpose of preparing the future partner in the war for the task intended for him.

Further, in regard to Hungary:

In December 1940 Colonel Lazslo, the chief of the operational group of the Hungarian General Staff, came to the headquarters of the Army High Command at Zossen. He asked for a conference regarding questions of organization. The Hungarian Army at that time was concerned with the question of regrouping its units, which were organized in brigades, into divisions and also with the setting up of motorized troops and of panzer units. The chief of the Organization Division of the General Staff of the Army, then Major General Buhle, and myself advised Colonel Lazslo. At the same time, several Hungarian military commissions were in Berlin, and with them also the Hungarian Minister of War, General Von Bartha, and they discussed armament deliveries to Hungary with German authorities.

It was clear to all of us who were informed as to future plans that all these measures, including the supplying of arms to other armies, were only conceivable at that time if these weapons were to be employed in future military projects.

Regarding Hungary there is a further point:

Due to the development of events in Yugoslavia, Hitler, at the end of March 1941, decided to attack Yugoslavia. On 27 or 28 March I was called to the Reich Chancellery in Berlin, where there had just been a conference between Hitler, Keitel, and Jodl, in which the Commander-in-Chief and the Chief of Staff of the Army had participated, that is, had been ordered to be present.

When I arrived I was advised by the Chief of Staff of the Army, General Halder, that Hitler had decided to attack Yugoslavia in the first place to eliminate a threat to the flank of the intended operation against Greece, and get hold of the rail line going from Belgrade southward through Nish, and then also with an eye to the future—to Plan Barbarossa—to keep the right flank free from the outset.

I was instructed to go to Vienna, taking with me a number of competent General Staff officers of the Army, to deliver and explain pertinent orders to German commanders, and then to travel on without fail to the Hungarian General Staff in Budapest and to reach an understanding with it on the deployment of German troops on Hungarian territory and the participation of Hungarian troops in the attack on Yugoslavia.

On 30 March, early in the morning, I arrived in Budapest and had a conference with the Chief of the Hungarian General Staff, General Werth, of the infantry and then with the chief of the operational group of the Hungarian General Staff, Colonel Lazslo. These conferences went along in good order and ended very quickly, and the desired result was achieved. This result was then put down on maps. The map that I received from the Hungarian General Staff contained not only the deployment of the troops intended for the attack against Yugoslavia, but also forces on the Carpatho-Ukrainian border, which were to be placed there to protect our rear against the Soviet Union.

The fact of the creation and existence of this force is a sign that even on the side of Hungary there was the realization that an attack by Germany against Yugoslavia would have to be considered as an aggressive action by the Soviet Union.

As regards the principle of calling upon Hungary in the preparation and later in the execution of the planned operations, I learned Hitler's view at that time. He was of the opinion that Hungary was anxious, through German help, to recapture and expand the areas lost in 1918; and in addition, that she was afraid of falling behind Romania which was allied with Germany. Hitler saw Hungary from this point of view also with regard to his policy. But he was, as I could observe in many instances myself, very reserved toward Hungary, and for two reasons. For one, he did not believe Hungary could guarantee secrecy with regard to future war plans, due to her close connections with foreign countries hostile to Germany, and secondly, he did not want to make Hungary too many premature promises of territory. I can cite one example: The question of the Dragowitsch oil territory. Later, when the attack began against Soviet Russia, the 17th German Army which was fighting at that point had the explicit order from the Supreme Command to take the Dragowitsch oil fields at all costs before the arrival of the Hungarians.

Regarding this future partner, according to my observation the procedure of Hitler was such that he counted on her certain participation and therefore delivered the armament to her and helped with the training, but that he kept to himself the time when he would initiate the ally into his plans.

Thirdly, the Finnish question. In December 1940 the first visit of the Chief of the Finnish General Staff, Lieutenant General Heinrichs, was made to the headquarters of the High Command of the Army in Zossen. Lieutenant General Heinrichs had a conference with the Chief of the Army General Staff, the contents of which I no longer remember; but he made a speech about the Russo-Finnish war of 1939-1940 before the General Staff officers of the High Command of the Army, and the General Staff officers of the Army groups who happened to be present at the time in connection with the discussion of the military exercises.

This speech before these General Staff officers had its great significance at that time because of the fact that it was delivered at the same time that Directive Number 21 of 18 December was issued. This speech was significant, it dealt with experiences won in the war with the Red Army and in addition gave an insight into the value of the Finnish troops as possible future partners in the war.

I took part in a second conference with the Chief of the Finnish General Staff at the headquarters of the High Command of the Army in Zossen, in the second half of May 1941. The Chief of the Finnish General Staff arrived from Salzburg where he had had conferences with the High Command of the Army. The subject of the subsequent conferences in Zossen with the General Staff of the High Command of the Army was the co-operation of the Finnish forces in the south in Plan Barbarossa—in co-operation with Army Group North—which was to proceed from the deployment area in East Prussia towards Leningrad. At that time the agreement was reached that the Finnish troops in the south were to synchronize their movements with the advance of German Army Group North and likewise that the joint advance later against Leningrad should be subject to consultations and agreements depending on the development of events.

Those are the personal observations which I made regarding the first appearance and the enlistment of allies in preparations for the aggression.

GEN. RUDENKO: How, and under what circumstances, was the armed attack on the U.S.S.R. carried out—the attack which was prepared by the Hitlerite Government and the Supreme Command of the German Armed Forces?

PAULUS: The attack on the Soviet Union took place as I have related, according to a plan prepared carefully and well in advance. The troops for this attack were at first assembled in the rear of the deployment area. By special orders they were then moved by groups into jumping-off positions, and then took up their position along the entire long front from Romania to East Prussia for a simultaneous attack. The Finnish theater of war was excluded from this operation.

Just as the large-scale operational plan, as I described it at the beginning, was to a certain extent tried out theoretically, the detailed employment of troops was discussed during military exercises by the staffs of army groups, corps, and divisions and drawn up in orders down to the details long before the beginning of the war.

A large-scale diversion, which was to be organized in Norway and along the coast of France was designed to simulate an invasion of Britain in June 1941 and thus divert Russia's attention.

All measures were taken not only for operational but also for tactical surprise, as for instance, the prohibition of open reconnaissance on and across the boundary before the beginning of the war. That meant on the one hand, that possible losses which might be caused due to the lack of reconnaissance had to be taken into account for the sake of surprise, but on the other hand it meant that a surprise attack across the boundary by the enemy was not feared.

All of these measures show that it was a question of a criminal attack.

GEN. RUDENKO: How would you define the aims pursued by Germany in attacking Soviet Russia?

PAULUS: The aim to reach the Volga-Archangel line, which was far beyond German strength, is in itself characteristic of Hitler's and the National Socialist leadership's boundless policy of conquest. From a strategic point of view, the achievement of these aims would have meant the destruction of the armed forces of the Soviet Union. With the winning of the line I have mentioned the main areas of Soviet Russia with the capital, Moscow, would have been conquered and subjugated, together with the leading political and economic center of the Soviet Union. Economically, the winning of this line would have meant the possession of important agricultural areas, the most important natural resources, including the oil wells of the Caucasus and the main centers of production in Russia, and also the main network of communications in European Russia.

How much Hitler was bent on taking economic objectives in this war can best be shown from an example out of my personal experience.

On 1 June 1942, on the occasion of a conference of commanders-in-chief in the region of Army Group South in Poltava, Hitler declared, "If I do not get the oil of Maikop and Grosny, then I must end this war."

For the utilization and the administration of the territories to be conquered, economic and administrative organizations had already been formed and were kept in readiness long before the beginning of the war.

To summarize I should like to state that the objectives given indicate the conquest of the Russian territories for the purpose of colonization with the utilization and spoliation of and with the resources of which the war in the West was to be brought to a conclusion, with the aim of finally establishing domination over Europe.

GEN. RUDENKO: And one last question: Whom do you consider as guilty of the criminal initiation of the war against Soviet Russia?

PAULUS: May I please have the question repeated?

GEN. RUDENKO: I repeat the question...

THE PRESIDENT: The Tribunal is about to address an observation to General Rudenko. The Tribunal thinks that a question such as you have just put, as to who was guilty for the aggression upon Soviet territory, is one of the main questions which the Tribunal has to decide, and therefore is not a question upon which the witness ought to give his opinion.

Is that what Counsel for the Defense wish to object to?

DR. LATERNSER: Yes, Mr. President, that is what I want to do.

GEN. RUDENKO: Then perhaps the Tribunal will permit me to put this question rather differently.

THE PRESIDENT: Yes.

GEN. RUDENKO: Who of the defendants was an active participant in the initiation of a war of aggression against the Soviet Union?

PAULUS: Of the defendants, as far as I observed them, the top military advisers to Hitler. They are the Chief of the Supreme Command of the Armed Forces, Keitel; Chief of the Operations Branch, Jodl; and Göring, in his capacity as Reich Marshal, as Commander-in-Chief of the Air Forces and as Plenipotentiary for Armament Economy.

GEN. RUDENKO: In concluding the interrogation I shall make a summary. Have I rightly concluded from your testimony, that long before 22 June the Hitlerite Government and the Supreme Command of the Armed Forces were planning an aggressive war against the Soviet Union for the purpose of colonizing the territory of the Soviet Union?

PAULUS: That is beyond doubt according to all the developments as I described them, and also in connection with all the directives issued in the well-known Green File.

GEN. RUDENKO: I have no more questions, Mr. President.

THE PRESIDENT: Does any member of the French Prosecution wish to ask any questions?

FRENCH PROSECUTOR: No.

THE PRESIDENT: The British?

BRITISH PROSECUTOR: No.

THE PRESIDENT: The United States?

UNITED STATES PROSECUTOR: No.

THE PRESIDENT: Any member of the defendants' counsel?

DR. LATERNSER: Mr. President, as Counsel for the General Staff, I ask you to afford me the opportunity to examine the witness tomorrow morning. The presentation of the witness by the Prosecution came as a surprise to the defendants' counsel, at any rate, and I think a consultation about the questions to be asked, especially in view of the importance of the testimony, is absolutely necessary. I therefore ask to be permitted to conduct the cross-examination at the beginning of tomorrow morning's session.

THE PRESIDENT: General Rudenko, if the Prosecution has no objection, the Tribunal thinks that this application ought to be granted.

GEN. RUDENKO: If the Tribunal so wishes, the Prosecution will not object.

THE PRESIDENT: Yes, very well. I don't know whether any other member of the defendants' counsel would prefer to cross-examine now.

DR. NELTE: Mr. President, I assume that all defendants' counsel may conduct their cross-examination of the witness, General Paulus, tomorrow morning?

THE PRESIDENT: Yes, certainly. I was only asking whether any other member of the defendants' counsel would prefer to cross-examine now.

DR. NELTE: I personally would be able to put my questions after the recess.

THE PRESIDENT: Very well. Then the witness can retire and the case will go on. He will be recalled tomorrow morning and in the meantime you will go on with your case.

[The witness left the stand, and Major General Zorya approached the lectern.]

THE PRESIDENT: General, you won't, I presume, think it necessary to read any more of Field Marshal Paulus' statement, will you?

GEN. ZORYA: No.

THE PRESIDENT: Very well, go on, then.

GEN. ZORYA: Referring to the explanation concerning the beginning of the criminal attack of Fascist Germany on the Soviet Union, I should like to remind the Tribunal that in the morning session of the Tribunal on 30 November 1945, the witness, Lahousen, was interrogated and gave evidence of sufficient interest in our case.

Among other things, this witness, when enumerating the more intimate members of the inner circle of Admiral Canaris, Chief of the Intelligence and Counterintelligence Services of the German Army, mentioned Pieckenbrock by name.

I present to the Tribunal as Document Number USSR-228, the testimony of the former chief of Section I of the German Military Intelligence and Counterintelligence Services, Lieutenant General of the former German Army, Hans Pieckenbrock, former chief and colleague of Lahousen. Pieckenbrock gave this testimony in the order prescribed by the laws of the Soviet Union, in Moscow, on 12 December 1945.

For the moment I should like to read a few lines only into the record from Pieckenbrock's testimony, relating to the matter which we are now investigating. These lines are on Page 1 of the Russian text of his testimony and they are marked with a red pencil. This Page 1 corresponds to Page 34 of the document book.

> "I must say"—said Pieckenbrock—"that already since August and September 1940 the Foreign Armies East of the General Staff of the Army began to increase considerably its intelligence assignments to the Abwehr concerning the U.S.S.R. These assignments were unquestionably connected with the preparation of war against Russia.
>
> "The more precise dates for Germany's attack on the Soviet Union I learned in January 1941 from Canaris. I do not know what sources Canaris used, but he told me that the attack on the Soviet Union was fixed for 15 May."

The Soviet Prosecution also has at its disposal the testimony of the former chief of Department III of the German Military Intelligence and Counterintelligence Services, Lieutenant General Franz von Bentivegni of the former German Army, which was given by him on 28 December 1945. I present those documents under Document Number USSR-230.

I shall at the same time also only read into the record those parts of Bentivegni's testimony underlined in red pencil, which have a direct bearing on the beginning of military preparations against the Soviet Union. These first two excerpts of the testimony are on Page 37 in the document book which is submitted to the Military Tribunal:

> "I learned first of Germany's preparation for a military attack on the Soviet Union in August 1940, from the head of the German Intelligence and Counterintelligence Service, Admiral Canaris. In an unofficial conversation which took place in Canaris' office he told me that Hitler had started to take measures for an Eastern campaign, which he had spoken about as early as 1938 in his speech at a meeting of Gauleiter in Berlin.
>
> "Canaris said to me that these plans of Hitler's had now begun to take concrete form. This was evident from the fact that divisions of the German Army were being forwarded in large numbers from the West to the eastern frontiers and, in accordance with a special order by Hitler, were taking up positions from which to start the coming invasion of Russia."

These are the first two paragraphs of Bentivegni's testimony.

And finally, in order to finish with the question of the actual time of fascist Germany's military preparations for the treacherous attack on the Soviet Union, I should like to dwell for a moment on the testimony of General Müller. This testimony, dated 8 January 1946, was written in a camp for prisoners of war. I present it to the Tribunal as Document Number USSR-149.

All the material to which I have so far referred emanated from circles of the highest commanding officers of the German Army.

THE PRESIDENT: General, on this document of General Müller, does it appear where that document was made and where General Müller is now?

GEN. ZORYA: The photostat bears a date written in General Müller's hand. This date is 8 January 1946.

THE PRESIDENT: Where?

GEN. ZORYA: If I might have a look at the photostatic copy which I have just presented to the Tribunal, I would be able to tell you where the date is written.

THE PRESIDENT: Yes, but there are many prisoners-of-war camps. We want to know which one and where it is.

GEN. ZORYA: In a camp located near Moscow.

THE PRESIDENT: Has this document got any authenticating signature on it at all? So far as we are concerned, isn't it simply a photostatic copy of a writing by somebody?

GEN. ZORYA: Mr. President, this document, like all other documents which have been submitted so far by the Soviet Delegation, is a noncertified photostatic copy.

Taking into consideration the wish of the Tribunal and in execution of this wish the Soviet Prosecution took measures to ensure that only the originals of these documents or documents whose authenticity is certified will be presented in complete order to the General Secretary. This will be done in the course of several days and all the material will be given in best order to the General Secretary.

THE PRESIDENT: Can you tell us where the writer of the document is now?

GEN. ZORYA: I am hardly in a position to say more than I have already. If the Tribunal will permit me, I can consult my colleagues, make inquiries, and report to the Tribunal as soon as possible on the general's whereabouts.

THE PRESIDENT: Well, we will adjourn now. That will enable you to consult your colleagues.

[A recess was taken.]

DR. NELTE: Mr. President, to my regret I must present the same objections to this document submitted by the prosecutor of the Soviet Union under USSR-149, and must submit the same request which I made this morning. As far as I know, the High Tribunal have not yet made a decision in regard to this question.

THE PRESIDENT: I beg your pardon, Dr. Nelte. The Tribunal has already made a decision.

I think it would be better if, when defendants' counsel go to the place from which they wish to speak, they would arrange these earphones before they speak.

I say the Tribunal has already made a decision which governs this case. They pointed out the other day to counsel for the Soviet Union that documents which were not identified as authentic documents, must be identified as authentic, and the Soviet prosecutor at that time undertook to certify that all documents which he made use of were certified as authentic documents. And if they are not so certified, they will be struck out of the record. That ruling applies to this document.

This document is a document which appears to be a document, a letter, or report to the Government of the Soviet Union, but it does not contain upon its face any certification showing that it is an authentic document. The Counsel for the Soviet Union said before we adjourned, that he undertook—as he had already undertaken—to produce a certificate that the document was an authentic document; that is to say, that it was written by the person who purported to write it, and in those circumstances, the Tribunal accepts the document provisionally.

If no such certificate is forthcoming, then the document will be stricken from the record.

DR. NELTE: If I understand you correctly, the Tribunal will accept a letter written to the Soviet Government or a statement as documentary evidence for the contents of this statement.

THE PRESIDENT: Certainly. I have already said provided that it is certified as an authentic document. I have said that more than once.

DR. NELTE: In this way, every letter sent to the Prosecution or the Government of the Soviet Union or to any other Prosecution would become documentary evidence by the certification that it has actually been written by the person who signed it, which would make it impossible for the Defense to cross-examine the witness.

THE PRESIDENT: That depends on where the witness is. We are dealing with witnesses who are scattered all over the globe, and as we are informed that it is not the practice in the Soviet Union for affidavits to be made in such cases, the Tribunal considers such a document to fall within Article 19—provided it is an authentic document.

We are affording the defendants' counsel the greatest assistance in bringing witnesses to this Court, but we cannot undertake to bring witnesses from all over the world upon questions which are very often of very little importance.

DR. NELTE: I quite appreciate the difficulties, and I am grateful to the Tribunal for their willingness to assist us. Therefore I only request to ascertain in each case where the person, who has made that statement, has his residence, so that the Defense may try to reach him.

THE PRESIDENT: Yes. If the witness is in, or in the immediate vicinity of, Nuremberg, the Tribunal would think that it was only fair, if such a document as this were to be put in evidence, that he should be produced for examination or cross-examination by the defendants' counsel, but we do understand that the man who wrote this letter is not in the vicinity of Nuremberg. We have no reason to think he is, and I am reminding defendants' counsel that they can always apply, if they think right, to issue interrogatories which would be put to any such person as this who has written such a document as this.

DR. NELTE: Thank you.

GEN. ZORYA: I have availed myself of the recess to make inquiries about General Müller. General Müller is in a prisoner-of-war camp, Number 27, in Krasnogorsk, in the Moscow region.

May I continue my statement?

THE PRESIDENT: Certainly.

GEN. ZORYA: All the material, Your Honors, which I have mentioned to date emanated from circles of the Supreme Command of the German Armed Forces. If I can so express myself, General Müller belonged to the middle category of German generals. He was Chief of Staff of an army; he commanded an army group. His testimony reflects a series of events which may be considered worthy of attention, since they explain the circumstances accompanying Germany's preparations against the Soviet Union.

I wish to refer to Page 40 of the document book. There you will find the first page of General Müller's statement. The first paragraph, Page 1, of the statement is marked with red pencil. I now proceed to quote from it:

> "The preparation for the attack on the Soviet Union began as early as July 1940. At that time I was first general staff officer in the staff of Army Group C at Dijon in France. General Field Marshal Von Leeb was commander-in-chief. This army group consisted of the 1st, 2d, and 7th Armies, which were occupation armies in France. Besides this, Army

Group A (Rundstedt), whose task was to prepare 'Case Sea Lion' (the invasion of England by Army Group B—Von Bock) was also in France. The staff of Army Group B was transferred to the East (Posen) during July and was given the following forces, transferred from France—part of the armies of occupation: The 12th Army Command (List), 4th Army Command (Von Kluge), and 18th Army Command (Von Küchler), plus several general commands and about thirty divisions. A greater part of this number was taken from Army Group C (Von Leeb).

"Directly after the campaign in the West, the OKH gave the order for the demobilization of 20 divisions. This order was cancelled, and the 20 divisions were not demobilized. Instead of this, after their return to Germany they were sent on leave, and thus kept ready for rapid mobilization.

"Both measures, the transfer of about five hundred thousand men to the Russian frontier and the cancellation of the order disbanding about three hundred thousand men, show that already in July 1940 plans existed for war operations in the East.

"The next order which gives evidence of Germany's preparations for attacking the Soviet Union, was the written OKH order issued in September 1940 regarding the formation in Leipzig of a new army command (A.O.K. 11) of several general commands and about forty divisions and panzer divisions. The forming of these units was carried out from September 1940 onwards by the commander of the reserve army (Generaloberst Fromm), partly in France, but mainly in Germany. Towards the end of September 1940 the OKH called me to Fontainebleau. The Chief Quartermaster I in the General Staff of the Army, then Lieutenant General (afterwards Field Marshal) Paulus, informed me, at first orally, of the order that my staff (Army Group C) was to be transferred to Dresden by 1 November and that Army High Command II (Generaloberst Weichs) which was under the command of the staff, should be transferred at the same time to Munich. The task was the leading of training of the abovementioned 40 divisions which were to be newly created.

"In accordance with this order, confirmed later by signature by the Chief of the General Staff Halder, the transfer of these units was carried out on time. These 40 divisions were put into action in the invasion of the Soviet Union."

Thus initiated, the preparation for the military attack on the Soviet Union was carried out at a heightened tempo and with customary German pedantry.

I would, Your Honors, remind the Tribunal that the witness, Paulus, stated at this session that in August 1940 the elaboration of the previous plan of attack on the Soviet Union, known as Plan Barbarossa, was already so far advanced as to render possible the conducting of two military exercises under the direction of Paulus.

THE PRESIDENT: General, I don't think it is necessary to read the statement of Field Marshal Paulus, as he has already given the evidence in the witness box.

GEN. ZORYA: I am not reading it into the record. I am merely referring to a circumstance which will enable me to proceed to General Müller's statement that this system of military exercises, which originated in the General Staff of the German Army, eventually spread over the entire Army and that the entire armed forces participated in the execution of these games which, *per se*, were already a preparation for the attack on the Soviet Union. I am reading into the record that passage of the statement which is underlined in blue pencil, Page 41 of the bundle of documents:

> "Insofar"—General Müller states—"as in the future the Army was to attack the Soviet Union, the first plan was to train soldiers and general staff officers.
>
> "Towards the end of January 1941 I received telegraphic orders from the Chief of the General Staff Halder to attend the military exercises of Rundstedt's army group at St. Germain, near Paris. The object of this military exercise was the attack and advance from Romania and South Poland in the direction of Kiev and southwards. The plan had in mind the intention also of the participation of Romanian troops. In the main this military exercise anticipated the conditions of the future order concerning the strategic deployment of forces, to which I will refer later.
>
> "The director of the military exercises was the Chief of the General Staff of the Rundstedt army group. There were present: Rundstedt, Halder, the Chiefs of the General Staff of the 6th Army, Colonel Heim, of the 11th Army, Colonel Wöhler, and of Kleist's tank group, Colonel Zwickler and several generals of the panzer forces. The military exercises were held at the place occupied by Rundstedt's army group, approximately between the 31st January and 2d February 1941. The exercise demonstrated the necessity for a strong concentration of tank forces."

The documents I have presented to date characterize the measures of the military command of the German Armed Forces for the preparation of the strategic deployment of the German armies for launching an attack against the Union of the Soviet Socialist Republics.

As for time, these measures embraced a considerable period of 1940 and were put into action at least 6 months prior to the appearance on the scene of Directive Number 21 concerning the Plan Barbarossa.

I shall now proceed to the second group of documents presented by the Soviet Prosecution which characterize the espionage measures undertaken by the fascist conspirators in preparation for war against the Soviet Union.

Trend and task of espionage work in connection with Plan Barbarossa were, as we know, determined by a directive from the Supreme Command of the German Armed Forces, addressed to counterintelligence on 6 September 1940 and signed by the Defendant Jodl.

This document was presented by the American Prosecution under Number 1229-PS; it is to be found on Pages 46 and 47 of our document bundle. I do not intend to quote this document again, but I do consider it essential to remind you that in it the intelligence organizations demand that the regrouping of armies on Germany's Eastern front should be camouflaged in every possible way and that the Soviet Union should remain under the impression that action of some kind was brewing against the Balkans.

The activities of the intelligence organizations were strictly regulated. These activities included measures for concealing, as far as possible, the number of German forces in the East and of giving an impression of insignificant concentrations in the north of the Eastern provinces, at the same time conveying the impression of very considerable concentrations of forces in the southern part, in the Protectorate and in Austria.

The necessity was pointed out of creating an exaggerated impression of the number of antiaircraft units and of the insignificant extent of roadbuilding activities.

I here take the liberty of making two pertinent observations. According to Pieckenbrock's testimony, the intensification of the work of this intelligence organization against the Soviet Union began prior to the appearance of this directive in August 1940. And this work, of course, was not limited to the spreading of false information on the regrouping of forces from West to East.

I beg you, Your Honors, to revert to the testimony, which I have already presented, of the former Chief of Department III of the Intelligence and Counterintelligence Services of the German Armed Forces, Von Bentivegni.

On Pages 1, 2, and 3 of the Russian text of Bentivegni's deposition, it is said—I quote the passage underlined in blue pencil—beginning at the last paragraph, Page 1 of the document which corresponds to Page 37 of the document book:

> "In connection with this, as early as November 1940 I received from Canaris orders to intensify the work for counterintelligence in the localities where concentration of the German armies on the Soviet German frontier was taking place."

On Page 2 of the statement, Page 38 of the document book, Paragraph 1, Bentivegni continues:

> "In accordance with this order, I immediately gave a corresponding order to the German Abwehr agencies, Danzig, Königsberg, Posen, Kraków, Breslau, and Vienna."

And finally, on Page 3 of the statement, which corresponds to Page 39 of the document book, I read:

> "In March 1941 I received from Canaris the following directives for the preparations for the execution of the Plan Barbarossa.
>
> "a) Preparation of all links of Abwehr III for carrying out active counterintelligence work against the Soviet Union, as for instance the creation of the necessary counterintelligence groups, their distribution among various fighting units intended for taking part in the operations on the Eastern front, and paralyzing the activity of the Soviet intelligence and counterintelligence organs.
>
> "b) Spreading false information via their foreign intelligence agencies, partly by creating the semblance of an improvement in relations with the Soviet Union and of preparations for a blow against Great Britain.
>
> "c) Counterintelligence measures to keep secret the preparations being made for war with the Soviet Union and to ensure that the transfer of troops to the East be kept secret."

The same question is touched upon in the minutes of the interrogation of the Chief of the Intelligence and Counterintelligence Department I of the German Army, Pieckenbrock, which I have already presented in evidence. This statement contains the following passage regarding the activities of the intelligence service of the German Army in connection with the preparations for the realization of Plan Barbarossa. I would refer you to Page 35 of the document book and to Paragraph 2 from the top. This corresponds to Page 2 of Pieckenbrock's testimony. Pieckenbrock states:

> "In March 1941 I was present at a conversation between Canaris and the chief of the espionage detachment (Abwehr II), Colonel Lahousen, about measures connected with Plan Barbarossa. During this conversation they kept referring to a written order on this subject, which Lahousen had. I, personally, as head of Abwehr I, beginning in February 1941 and up to 22 June 1941, more than once had official

> talks with the Chief Quartermaster IV, Lieutenant General Tippelskirch, and with the head of the detachment Foreign Armies East, Colonel Kienzl. These conversations dealt with the more precise definition of various tasks assigned to Abwehr, with regard to the Soviet Union, and in particular with the verification of old intelligence data about the Red Army, and also details about the dislocation of the Soviet armies during the period of preparation of the attack on the Soviet Union."

I now skip one paragraph of Pieckenbrock's statement and read further:

> "All Abwehrstellen which were working with the espionage against Russia were given the task of intensifying the dispatch of agents to the U.S.S.R. A similar task—the intensification of espionage work against Russia—was given to all intelligence organs existing in the armies and army groups. For the more successful direction of all these field Abwehr organs, a special intelligence staff was created in May 1941 under the code name of Wally I. This staff was in the vicinity of Warsaw in the village Sulajewek. Major Baun, as the best specialist on work against Russia, was appointed chief of the staff of Wally I. Later, when following our example, Abwehr II and Abwehr III had also established staffs Wally II and Wally III, this organ became known as a whole staff Wally, and directed the entire intelligence, counterintelligence, and diversionary work against the U.S.S.R. as a staff had to become active in the front line. At the head of staff 'Wally' was Lieutenant Colonel Schmalschläger."

I now pass on to the last paragraph of Pieckenbrock's statement on Page 36 of the document book:

> "From numerous reports given by Colonel Lahousen and Canaris, at which I was also present, I know that a great amount of preparatory work for the war with the Soviet Union was carried out by this department. In the period of February to May 1941 many conferences of the leaders of Abwehr II took place at the quarters of Jodl's deputy, General Warlimont. They were held in a cavalry school in Krampnitz. One particular question settled at these conferences in accordance with the needs of the war with Russia, was that of increasing the special task units, Brandenburg 800, and of distributing contingents of these units among the individual army groups."

In Pieckenbrock's testimony which has just been read into the record, special attention is drawn to his references to the special tasks with which Lahousen's department had been entrusted, and to special task units known under the code name of Brandenburg 800.

Here these points are clarified by the testimony of a former colonel of the German Army, Erwin Stolze, who was Lahousen's deputy in Department II, Ausland Abwehr, attached to the Supreme Command of the German Armed Forces. Stolze was taken prisoner by the Red Army. I wish to submit to the Tribunal as evidence Stolze's testimony of 25 December 1945, which was given to Lieutenant Colonel Burashnikov, of the Counterintelligence Service of the Red Army and which I submit to the Tribunal as Document Number USSR-231 (Exhibit Number USSR-231), which I beg you to accept as evidence. I shall read into the record individual extracts from this testimony which are underlined in red pencil. I begin the quotation from Page 48 of the document book. Stolze testified as follows:

> "I received instructions from Lahousen to organize and to lead a special group under code name 'A,' which had to engage in the preparation of diversionary acts and in the work of disintegration of the Soviet rear in connection with the intended attack on the U.S.S.R.
>
> "At the same time, in order that I should become acquainted with it and for my guidance, Lahousen gave me an order which came from the Operational Staff of the Armed Forces and which contained basic directives for the conduct of subversive activities in the territory of the U.S.S.R. after Germany's attack on the Soviet Union. This order was signed by Field Marshal Keitel and initialed by General Jodl (or by General Warlimont on Keitel's instructions—I do not quite remember which.)"

I am omitting two lines which are irrelevant to our case and read on:

> "It was pointed out in the order that for the purpose of delivering a lightning blow against the Soviet Union, Abwehr II, in conducting subversive work against Russia, with the help of a net of V men, must use its agents for kindling national antagonism among the people of the Soviet Union."

I now request you to turn over the page and on Page 49 in the document book on Page 2 of the minutes of the interrogation, and to note the following passages in his testimony:

> "In carrying out the above-mentioned instructions of Keitel and Jodl, I contacted Ukrainian National Socialists who were in the German Intelligence Service and other members of the nationalist fascist groups, whom I roped in to carry out the tasks as set out above.
>
> "In particular, instructions were given by me personally to the leaders of the Ukrainian Nationalists, Melnik (code name

> 'Consul I') and Bandara, to organize immediately upon Germany's attack on the Soviet Union, and to provoke demonstrations in the Ukraine in order to disrupt the immediate rear of the Soviet armies, and also to convince international public opinion of alleged disintegration of the Soviet rear.
>
> "We also prepared special diversionist groups by Abwehr II for subversive activities in the Baltic republics of the Soviet Union."

I must again request you to turn over the page. On Page 50 in the document book, beginning with the third line from the top you will find Stolze's testimony:

> "Apart from this, a special military unit was trained for subversive activities on Soviet territory, a special duty training regiment for special tasks, Brandenburg 800, under the immediate command of the head of Abwehr II, Lahousen. Among the objects of this special unit, created in 1940, was the seizure of operationally important points, such as bridges, tunnels, and important military installations, and holding them till the arrival of the advance units of the German Army.
>
> "Contrary to the international rules governing the conduct of war, the personnel of this regiment, mainly composed of Germans from beyond the border, made extensive use of enemy uniforms and equipment in order to camouflage their operations.
>
> "During the course of preparations for Germany's attack on the U.S.S.R., the command of the Brandenburg Regiment also collected supplies of Red Army uniforms, equipment, and arms, and organized separate detachments of Germans acquainted with the Russian language."

Your Honors, the testimonies of Stolze, Bentivegni, and Pieckenbrock, which I have presented in evidence, disclose the working methods of the German Intelligence Service in the preparation and execution of Plan Barbarossa.

I shall not detain the Tribunal any further with these questions. But before proceeding to a further presentation, I should like to point out that the department of the Defendant Kaltenbrunner was likewise interested in intelligence work. I shall limit myself to submitting one document which is typical of the manner in which the Hitlerites, by exploiting their connections, created difficulties in Iran, through which country, as was known, the supply routes passed for the delivery to the U.S.S.R. of motor vehicles and war material of the most varied nature.

The document, which I intend to submit to the Tribunal as Exhibit Number USSR-178 (Document Number USSR-178) was taken by us from the German Foreign Office archives, which fell into the hands of advance units of the Red Army. This document is the Defendant Kaltenbrunner's letter to the Defendant Von Ribbentrop. The letter is typed on a sheet of note paper with the letterhead of the Chief of the Security Police and SD. In the document book before you, you will find this document on Page 52. I read into the record the underlined extracts from this letter:

> "28 June 1943; top secret.
>
> "To the Foreign Minister Herr Von Ribbentrop; Berlin; Object: Elections to the Iranian Parliament.
>
> "Most honorable Herr Reich Minister: We have made direct contact with Iran and have received information on the possibilities of exercising German influence on the course of the imminent Iranian parliamentary elections."

And a few lines further on it is stated:

> "In order to exercise a decisive influence on the results of the elections, bribery is necessary. For Teheran 400,000 tomans, and for the rest of Iran at least 600,000 tomans are necessary.... It should also be noted that nationally oriented Iranian circles expect the intervention of Germany.
>
> "I beg you to inform me whether it is possible to obtain one million tomans from the Foreign Office. This money can be sent by the people whom we are sending there by airplane.
>
> "Heil Hitler. Yours devotedly, Kaltenbrunner, SS Obergruppenführer."

This document will help you to form an idea of the range of questions which interested the Reich Foreign Minister. Such a peculiar activity of the Foreign Office was not in the nature of a chance episode.

In the course of time, the collaboration of the German Foreign Office and of the Reich Führer SS waxed in strength and developed more and more. As a result, a very curious document appeared, which might be considered as an agreement between Himmler and Ribbentrop on the organization of espionage work.

I submit this document as Exhibit Number USSR-120 (Document USSR-120), and request the Tribunal to accept it as documentary evidence. This document is on Page 53 and 55 of the document book before you. The text of this agreement will be read into the record with a few remarks. The text of the agreement reads:

> "By the order dated 12 February 1944, the Führer has entrusted the Reich Führer SS with the creation of a unified German Secret Intelligence Service. The Secret Intelligence Service has as its purpose, so far as foreign countries are concerned, to get information in the political, military, economic, and technical spheres for the Reich. In addition, the

Führer has established that the direction of the Intelligence Service, insofar as foreign countries are concerned, must be conducted in agreement with the Foreign Minister. In this connection, the following agreement between the Reich Foreign Minister and the Reich Führer SS had been reached:

"1. The Secret Intelligence Service of the Reich Führer SS represents an important instrument for obtaining information in the sphere of foreign politics, and this instrument is placed at the disposal of the Foreign Minister. The first condition for this is close, comradely, and loyal co-operation between the Foreign Office and the main office of the Reich Security Service. The collection of information on foreign politics by the diplomatic service is not affected by this.

"2. The Foreign Office places at the disposal of the main office of the Reich Security Service the information on the situation in the field of foreign politics necessary for the conduct of the Intelligence Service and the directive regarding German foreign policy. It hands over to the main office of the Reich Security Service its intelligence and other tasks in the sphere of foreign policy, which are to be performed by the organs of the Secret Intelligence Service.

"3. Intelligence material in the field of foreign politics, obtained by the Secret Intelligence Service, is placed..."

THE PRESIDENT: Wouldn't it be a sufficient summary of this document with which you are dealing to say that it is a document signed by Himmler and Ribbentrop and that it shows that there was a unification of the German Secret Intelligence Service. The details of that unification are not really a matter which very much concerns this Tribunal, and therefore, as we are directed by the Charter to be as expeditious as possible, it is not necessary to read all the details of this unification.

GEN. ZORYA: I summarize this document and would add that this agreement, signed by Himmler and Ribbentrop, created such a state of affairs that it became extremely difficult to differentiate prevailing conditions in fascist Germany or to distinguish where Himmler's Gestapo service ended and the Foreign Office activities of the Defendant Ribbentrop began.

I shall now, with the permission of the Tribunal, proceed to the presentation of the next document. The document which I have just read—I am referring to the Himmler-Ribbentrop agreement concerning the conduct of intelligence work abroad—also justifies the assumption that under the name of German diplomatic representation in such countries which maintained normal diplomatic relations with Germany, a whole intelligence network of the Gestapo was actively functioning.

If this summary, in the opinion of the Tribunal, corresponds to the contents of the document, I shall proceed to the following section of the report, "The Satellites of Germany."

When Plan Barbarossa was read into the record in Court, there was one part of the entire case which, in my opinion, received comparatively little attention. I refer to Part II of Plan Barbarossa, Document Number 446-PS. This part bears the name of "Presumed Allies and Their Tasks." I should like, here and now, to draw the attention of the Tribunal to the questions touched on in this part. In the first place, I consider it essential to remind you of the contents of this part by repeating it. Document Number 446-PS, Plan Barbarossa, is on Page 14 of the bundle of documents submitted to the Tribunal. I consider it essential to read out Part II of this case:

> "1. On the flanks of our operation, we can count upon the active participation of Romania and Finland in the war against Soviet Russia.
>
> "The Supreme Command of the German Armed Forces will, at the appropriate time, settle and lay down in what way the armed forces of the two countries will be subordinated to the German command on their entry into the war.
>
> "2. Romania's task will be to tie up, in co-operation with the group of the armed forces advancing there, the enemy forces facing her, and, for the rest, to maintain the auxiliary services in the rear area.
>
> "3. Finland will have to cover the advance of the German northern landing group (units of Group XXI) due to arrive from Norway, and then operate together with it. In addition, it will be up to Finland to eliminate Hangö.
>
> "4. It is possible to count upon the Swedish railways and coal being available for the movements of the German northern group not later than the beginning of the operation."

In the speech of the Chief Prosecutor from the U.S.S.R., General Rudenko, attention was drawn to the opening sentence of this section:

> "On the flanks of our operation, we can count upon the active participation of Romania and Finland in the war against Soviet Russia."

This justified the Chief Prosecutor of the U.S.S.R. in pointing out in his speech that on 18 December 1940, the date of the Barbarossa document, Romania and Finland were already following in the wake of the predatory policy of the Hitlerite conspirators.

There is only one more document which was submitted by the United States Prosecution and which mentioned Germany's presumed allies in her aggression against the U.S.S.R.

This document, numbered C-39, is entitled "Provisional Case Barbarossa." It is, as the Defendant Keitel pointed out in his covering letter, a timetable for the preparations of Plan Barbarossa after June 1941. This timetable was confirmed by Hitler. The text of this plan is on Page 57 of the document book. In Part II of this document, entitled "Negotiations with Friendly Powers," we read:

> "a) A request has been sent to Bulgaria not to reduce to any large extent the units stationed for security reasons on the Turkish frontier.
>
> "b) The Romanians have begun, at the instigation of the Commander-in-Chief of the German troops in Romania, a partial, camouflaged mobilization in order to be able to close their frontiers against a presumed attack by the Russians.
>
> "c) Hungarian territory will be used for the deployment of Army Group South only insofar as it would be expedient for introducing German units to link up the Hungarian and Romanian forces. Until the middle of June, however, no representations on this subject will be made to Hungary.
>
> "d) Two German divisions have been deployed in the eastern part of Slovakia; the next ones will be unloaded in the area of Prosov.
>
> "e) Preliminary negotiations with the Finnish general staff take place as from 25 May."

Mr. President, in order to correlate the following documents with the testimony given by Paulus, I shall merely refer to the fact that this witness testified to the previous preparations for military aggression in that fortress which was Romania, thereby proving that corresponding measures for the reorganization of the Romanian Army, founded in the image and pattern of the German Army, were taken in September 1940 when a special military mission was sent to Romania. The chief of this mission was Cavalry General Hansen. His Chief of Staff was Major General Hauffe, his chief quartermaster Major Merk. Major General Von Rotkirch commanded the 13th Panzer Division.

The task of this military mission was the reorganization of the Romanian Army and its preparation for the subsequent attack on the Soviet Union in the spirit of Plan Barbarossa. The preliminary trend of this task, as Paulus has testified, was given to Hansen and his Chief of Staff by Paulus and they got the last directives from the Commander-in-Chief, Field Marshal Von Brauchitsch.

General Hansen received directives from two sources: from the OKW where his military mission was concerned, and from the OKH in all questions dealing with the Army. Directives of a military and political nature were received only from the OKW.

The military mission acted as liaison between the German and the Romanian general staffs.

The form assumed by the agreement and, even more, the publication of the true aims of high ranking fascist leaders in the country, did not always suit the satellites.

I now present, as Exhibit Number USSR-233 (Document Number USSR-233), the minutes of a conversation between Ion Antonescu and the Defendant Ribbentrop which took place on 12 February 1942. This document was taken from the personal archives of Marshal Antonescu which were captured by the advance units of the Red Army. This document, Your Honors, figures on Pages 59-62 of your document book.

In connection with Ribbentrop's speech in Budapest on the subject of Transylvania, Antonescu makes the following annotation in the course of this speech—last paragraph, Page 2 of the Russian text of the document, Page 60 of the document book:

> "Without hesitation, I stressed the point that as early as 6 September, when I took over the government of the country, supported only by Monsieur Mihai Antonescu, I declared, without asking the opinion of my people, that we must follow a policy of adherence to the Axis powers. I said that this was the only example in the history of nations when two persons dare to make an open declaration and to call upon their people to follow a policy which no doubt could only appear odious. . . ."

When making this cynical entry, Ion Antonescu could hardly have expected it to receive such wide publicity.

Mr. President, I intend to read into the record a long document which will take considerable time.

THE PRESIDENT: We will adjourn now.

[The Tribunal adjourned until 12 February 1946 at 1000 hours.]

FIFTY-SEVENTH DAY

Tuesday, 12 February 1946

Morning Session

THE PRESIDENT: General Rudenko, you were going to recall the witness who was being called yesterday, Field Marshal Paulus, were you not, so that the defendants' counsel may have the opportunity of questioning him? Will you do that now?

GEN. RUDENKO: Yes, according to the wish of the Tribunal the witness is in the Palace of Justice.

[The witness, Paulus, took the stand.]

THE PRESIDENT: Field Marshal Paulus, I want to remind you that you should pause after the question that has been asked you before you answer it, in order that the translation shall get through. Do you follow what I mean?

PAULUS: I have understood.

DR. NELTE: Witness, I should like to ask several questions. On 3 September 1940, you came as Chief Quartermaster I to the High Command of the Army; is that correct?

PAULUS: That is correct.

DR. NELTE: Who was the Commander-in-Chief of the Army at that time?

PAULUS: It will be very well known to you that at that time the Commander-in-Chief of the Army was Field Marshal Von Brauchitsch.

DR. NELTE: I believe that the phraseology that you have used is not correct because I did not put this question for any other reason than just to explain the situation to the people who are assembled here. It is known to us but may not be known to the Tribunal. Who was at that time the Chief of Staff of the Army?

PAULUS: It was Generaloberst Halder.

DR. NELTE: Were you, as Chief Quartermaster I, the permanent representative of the Chief of Staff?

PAULUS: I was the deputy of the Chief of Staff for those cases which he told me to supervise, and as for the rest I had to execute the tasks with which he charged me.

DR. NELTE: In this case were you especially charged with the adaptation of the plan which we later learned to know as Plan Barbarossa?

PAULUS: Yes, to the extent of which I told you yesterday.

DR. NELTE: Field Marshal Brauchitsch, your former Commander-in-Chief and superior, in an affidavit presented by the Prosecution has made a statement about the treatment of military plans. With the permission of the Tribunal, I should like to ask you to tell me whether this statement by Field Marshal Von Brauchitsch is also your opinion. I quote:

> "When Hitler decided to use military pressure or force to achieve his political aims, the Commander-in-Chief of the Army, if he was involved, first received orally a sort of orientation or a corresponding order."

Is that your opinion also?

PAULUS: I have no knowledge of that.

DR. NELTE: Generaloberst Halder, your immediate superior, in an affidavit which also has been submitted by the Prosecution, has said the following about the handling of such military operational things:

> "Special military affairs were the responsibility of those parts of the Wehrmacht, that is, Army, Navy, and Air Force, which were immediately under the Supreme Command of the Wehrmacht, that is to say, under the command of Hitler, who was at the same time the Chief of the Reich."

Is that your opinion likewise?

PAULUS: I ask you please to repeat this once more because I could not understand exactly what you meant.

DR. NELTE: It is about the question: Who were the military persons responsible to Hitler in the forming of important plans? In respect to that, Von Brauchitsch said what you have just heard, and Halder said the following:

> "Special military affairs were the responsibility of those parts of the Wehrmacht, that is, Army, Navy, and Air Force, which were immediately under the Supreme Command of the Wehrmacht, that is to say, under the command of Hitler, who was at the same time the Chief of the Reich."

Is that so?

PAULUS: We received the orders about military measures from the High Command of the Wehrmacht. Such was the Directive Number 21. I thought that those people held responsibility who were the first military advisers of Hitler in the High Command of the Wehrmacht.

DR. NELTE: If you have seen Directive Number 21, then you must also know who signed it. Who was that?

PAULUS: As far as I can remember, that was signed by Hitler; and Keitel and Jodl initialed it.

DR. NELTE: But, at any rate, signed by Hitler, like all directives—is that correct?

PAULUS: At any rate, most of the directives, unless they were signed by other people in his name.

DR. NELTE: In other words, I may conclude that the man who gave the orders was the Supreme Commander of the Wehrmacht, that is to say, Hitler?

PAULUS: That is correct.

DR. NELTE: From the statements of Von Brauchitsch and Halder we can see, in my opinion, that the General Staff of the Army with its large machinery was to work out ideas which Hitler conceived, work them out in detail. Do you not believe that?

PAULUS: That is correct. It had to relegate the orders which were given it by the Supreme Command to the proper departments.

DR. NELTE: It is clear that these orders were given to the High Command, that is, the Commander-in-Chief of the Wehrmacht. There was in all planning, as I can see from your statement also, in the execution of such aggressive plans a close collaboration between Hitler as Supreme Commander of the Wehrmacht and the General Staff of the Army. Is that correct?

PAULUS: This co-operation exists between the Supreme Command and all persons who are charged to carry out the orders of the Supreme Commander.

DR. NELTE: From your explanation I believe I can conclude that the incomplete plan which you found on 3 September 1940—that you have developed that, and that then, after you had achieved a certain measure of completeness, you presented it to the Supreme Commander, Hitler, personally, or through General Halder?

PAULUS: The detailed completion of the plan was presented by the Chief of the General Staff or by the Commander-in-Chief of the Army; then it was either accepted or rejected.

DR. NELTE: That is, it had to be accepted by Hitler or refused?

PAULUS: Yes.

DR. NELTE: Did I understand you correctly yesterday to say that you had already in the fall of 1940 understood that Hitler wanted to attack the Soviet Union?

PAULUS: I said yesterday that the preparation of that plan of operations was the theoretical preparation for an attack.

DR. NELTE: But already at that time you thought that that was Hitler's intention, didn't you?

PAULUS: From the way in which this task was started one could see that, after the theoretical preparation, a practical application would follow.

DR. NELTE: Furthermore, you said yesterday that no news of the Abwehr had been received which would prove that there were any intentions of the Soviet Union to attack.

PAULUS: Yes.

DR. NELTE: Did anybody in the circle of the General Staff of the Army ever speak about these matters?

PAULUS: Yes, these matters were discussed. They had serious misgivings about them, but no reports about any visible preparations for war on the side of the Soviet Union were ever made known to me.

DR. NELTE: So you were firmly convinced that it was a straight attack on the Soviet Union?

PAULUS: At any rate, the indications did not exclude that.

THE PRESIDENT: The witness must speak more slowly.

DR. NELTE: The witness has said, if I understood correctly, that there were signs which did not exclude these inferences.

PAULUS: The order for the execution of this theoretical study of the conditions for attack was considered not only by myself but also by other informed experts as the first step for the preparation for an attack, that is to say, an aggressive attack on the Soviet Union.

DR. NELTE: In realizing these facts, did you or the General Staff of the Army or the Commander-in-Chief of the Army make any protests to Hitler about it?

PAULUS: Personally, I do not know in what form or whether the Commander-in-Chief of the Army made any protests.

DR. NELTE: Did you, yourself, speak about having any doubts to Generaloberst Halder or to Commander-in-Chief Von Brauchitsch?

PAULUS: If I judge correctly, then I believe that I am supposed to be here as a witness for the events with which the defendants are charged. I ask the Tribunal, therefore, to relieve me of the responsibility of answering these questions which are directed against myself.

DR. NELTE: Field Marshal Paulus, you do not seem to know that you also belong to the circle of the defendants, because you belonged to the organization of the High Command which is indicted here as criminal.

PAULUS: And, therefore, since I believe that I am here as witness for the events which have led to the indictment of these defendants here, I have asked to be relieved of answering this question which concerns myself.

DR. NELTE: I ask the Tribunal to decide.

THE PRESIDENT: The Tribunal considers that you must answer the questions that have been put up to date.

PAULUS: Then may I ask for a repetition of the question, please?

DR. NELTE: I have asked you whether, since you realized that there were serious doubts, you talked to your chief, Halder, or to Commander-in-Chief Von Brauchitsch, about these things?

PAULUS: I cannot remember having talked to the Commander-in-Chief of the Army about it, but I did so with the Chief of the General Staff, Generaloberst Halder, who was my superior.

DR. NELTE: Was he of the same opinion?

PAULUS: Yes, he was of the same opinion, that is to say, of the opinion of great anxiety for such a plan.

DR. NELTE: For military or moral reasons?

PAULUS: For many reasons, both military and moral.

DR. NELTE: It is certain, then, that you and the Chief of Staff, Von Halder, realized these facts which would have stamped the war against Russia as a criminal attack and that you nevertheless did nothing against it? In your statement you have said that later you became Commander-in-Chief of the 6th Army; is that right?

PAULUS: Yes.

DR. NELTE: With knowledge of all these facts just stated you accepted the command of an army which was to push against Stalingrad. Did you have any scruples about being made a tool of that attack which in your opinion was a criminal one?

PAULUS: As the situation at that time presented itself for the soldier, in connection also with the extraordinary propaganda which was put into play, I had at that time, as so many others believed, to do my duty toward my fatherland.

DR. NELTE: But you knew about the facts which were against that opinion?

PAULUS: The facts which became clear to me afterwards, due to my experiences as Commander of the 6th Army which found their climax at Stalingrad, those facts I did not know at that time. Also, about that criminal attack—that knowledge came later, when I thought about all the circumstances, because before I could only see part of the whole.

DR. NELTE: Then I have to consider your expression "criminal attack" or any other expressions for the war mongers—I have to consider that as something that you found out later?

PAULUS: Yes.

DR. NELTE: And I may say then that in spite of your having serious doubts and knowledge about the facts which marked the war against Russia as a criminal action of aggression, that in spite of your knowledge, you considered it your duty to take the command of the 6th Army and to hold Stalingrad until the last moment?

PAULUS: I have just explained that at that time, when I took over the command, I did not see the extent of the crime which was considered in the beginning and execution of this war of aggression; that I did not see the entire extent of it and could not see it, as my experiences as Commander of the 6th Army which I was able to gather at Stalingrad have shown to me later.

DR. NELTE: You speak of the extent, but the fact is that you knew the causes. Maybe you were one of the few who knew them. You have not mentioned that.

PAULUS: I did not know then. I knew the instigation of this war to be aggression, from the attitude of the greater part of the officers' corps. In keeping with the prevailing concept I saw nothing unusual in the basing of the fate of a people and a nation upon power politics.

DR. NELTE: So you agreed to these ideologies?

PAULUS: Not to the tendency which appeared later, but I did not conclude therefrom that the fate of a country could be built upon power politics. It was a mistake that at this time, and in the 20th Century, only the democracies and the concept of the nationality principle were the decisive factors.

DR. NELTE: Would you grant to others also, who were not so near to the sources, the good faith that they only wanted what was best for their fatherland?

PAULUS: Yes, I do, of course.

DR. FRITZ SAUTER (Counsel for Defendants Von Schirach and Funk): Witness, yesterday you mentioned that you consider the Hitler Government as the guilty ones. Is that correct?

PAULUS: Yes, I have done so...

DR. SAUTER: In your written deposition which you made on 9 January 1946—in a prisoner-of-war camp it is said—there is nothing about that; at least, I have not found anything about it so far.

PAULUS: This letter has nothing to do with that. This is a letter to the Soviet Government, in which I explained several questions which came up within the 6th Army in Russia, and several of my own experiences.

DR. SAUTER: In this letter of 9 January 1946, you said explicitly—and I quote:

> "Today, when the crimes of Hitler and his helpers are being judged, I find myself obliged to tell the Soviet Government everything which I have known and which may serve as proof of the guilt of the war criminals in the Nuremberg Trials."

In spite of that, in this written declaration, which is very detailed, there is nothing about it.

THE PRESIDENT: Dr. Sauter, if you cross-examine the witness on this letter, you must put the letter in evidence, the whole letter.

DR. SAUTER: That is the statement which the witness has given, on the . . .

THE PRESIDENT: I have no doubt it is; all I say is, if you cross-examine him on the letter and put the letter to him, you must put the letter in evidence. You have a copy of the letter?

DR. SAUTER: Yes. It is in the statement which the Soviet Prosecutor yesterday put up to the witness and in regard to which the witness made the statement that he considers it correct and will repeat it.

THE PRESIDENT: Yes, I follow it. I was not sure whether it was actually put in or not or whether it was withdrawn upon the promise to produce the witness. Is the letter actually in?

DR. SAUTER: But the witness has said, after the Prosecutor asked him, that he will repeat that statement.

THE PRESIDENT: Mr. Willey, has the letter been put in?

MR. HAROLD B. WILLEY (American Secretary): It has not been put in, no.

THE PRESIDENT: Very well, you can go on cross-examining about it, but the document has got to be put in, that is all.

DR. SAUTER: *[Turning to the witness.]* Now I would like to know, Witness, what you mean by "Hitler Government"? Do you mean the leaders of the Party or do you mean the Reich Cabinet, or what exactly do you mean?

PAULUS: I mean everyone who is responsible.

DR. SAUTER: I would like you to answer the question more precisely.

PAULUS: In my statement yesterday I have only explained what I have seen myself, what I have experienced myself. I did not intend to make any statements about individual personalities in the Government because that would not be within my knowledge.

DR. SAUTER: Yes, but you spoke about the Hitler Government, did you not?

PAULUS: I just meant the concept of the Hitlerite leadership of the State.

DR. SAUTER: Of the Hitlerite leadership of State? That means, first, the Reich Cabinet, does it not?

PAULUS: Yes, inasmuch as it is responsible for the directives given by the Government.

DR. SAUTER: For this reason I would like to know the following:

The Defendant Funk, who is sitting over there, was also a member of the Reich Cabinet and the Defendant Von Schirach is also counted as a member of the Reich Cabinet by the Prosecution. Do you know anything as to whether the Defendant Funk and the Defendant Von Schirach, like you, for instance, knew anything about these plans of Hitler?

PAULUS: I do not know.

DR. SAUTER: Do you know whether, during the war, since you were at the OKW, there were any meetings of the Cabinet at all?

PAULUS: I do not know that either.

DR. SAUTER: Do you know that Hitler, in the interests of secrecy of his war plans, even ordered that at conferences between himself and his military advisers the members of the Reich Cabinet, as for instance Funk, could not be admitted?

PAULUS: I do not know about that.

DR. SAUTER: Did it not come to your knowledge, perhaps through Herr Jodl or through Herr Keitel, that Hitler even forbade that civilian members of the Reich Cabinet should be present at such military conferences?

PAULUS: I do not know anything about that at all.

DR. SAUTER: Another question. After Stalingrad was encircled and the situation had become hopeless, there were several telegrams of devotion sent to Hitler from inside the fortress. Do you know anything about that?

PAULUS: If you speak of telegrams of devotion, I only know about the end, when efforts were made to find a meaning for the catastrophe that had happened there, to find a meaning for all the suffering and dying of so many soldiers. Therefore these things had been depicted as heroism in the telegram, to be forever remembered. I am sorry, but at that time, due to the prevailing situation, I let that pass and did not stop it.

DR. SAUTER: These telegrams were yours, were they not?

PAULUS: I do not know to which telegrams you are referring, with the exception of the last one.

DR. SAUTER: Several telegrams of devotion, in which there was a promise to hold out to the last man; those telegrams about which the German people were horrified. They are said to have your signature.

PAULUS: I request to have them presented to me, because there is nothing known to me about them.

DR. SAUTER: Do you have any idea what was in the last telegram?

PAULUS: In the last telegram there was a short description of what the army had done, of the achievement of the army, and it was pointed out that it did not intend to capitulate, and that that should be an example for the future.

DR. SAUTER: The answer was, I think, your promotion to General Field Marshal?

PAULUS: I do not know that this was the answer.

DR. SAUTER: But you were promoted to General Field Marshal, and you still have that title because the statement which I have submitted to the Court is signed "Paulus, General Field Marshal."

PAULUS: Well, I have to say.... Do you mean this statement?

DR. SAUTER: Yes, this statement.

PAULUS: Yes, I had to take that title which was conferred upon me.

DR. SAUTER: In this statement which I have submitted to the Court as proof, there is the last sentence:

> "I bear the responsibility for the fact that I did not give due attention to the execution of the order of 14 January 1943 about the surrender of the prisoners"—namely, all Russian prisoners...

PAULUS: Yes.

DR. SAUTER: "... to the Russians, and, furthermore, that I..."

PAULUS: Yes.

DR. SAUTER: "... did not devote myself sufficiently to taking care of the prisoners."—That is to say, the Russian prisoners.

I would like to hear your statement about the following: In that detailed letter why did you forget the several hundred thousands of German soldiers who were under your command and who lost under your command their freedom, their health, and their lives? There is no word about that.

PAULUS: No.

DR. SAUTER: No?

PAULUS: That is not the question in this letter. This letter to the Soviet Government was concerned with what happened to the Russian civilian population in the area of Stalingrad and the Russian prisoners of war. At this time I could not say anything about my soldiers, of course not.

DR. SAUTER: Not one word?

PAULUS: No, I could not speak here, because that had to be done at a different time. Of course, it is so that all the operational orders which led to the terrible conditions of Stalingrad, in spite of my objections.... About 20 January, as I said, I had made a report that conditions had reached such a measure of misery and of suffering through cold, hunger, and epidemics as to be unbearable, and that to continue the fighting would be beyond human possibility. The answer given to me by the Supreme Command was:

> "Capitulation is impossible. The 6th Army will do its historic duty by fighting to the utmost, in order to make the reconstruction of the Eastern front possible."

DR. SAUTER: And that is why you continued your efforts in the crime you have described until the very end?

PAULUS: That is correct.

DR. SAUTER: Because, according to your own statements, everything from the very beginning was a crime, which clearly and for a long time had come to your mind?

PAULUS: I did not say that it was clear to me as a crime from the very beginning, but that later I had this impression, as a result of retrospective considerations. My knowledge comes actually from my experience at Stalingrad.

DR. SAUTER: Then I would like to know, in closing: Was it not clear to you from the very beginning, when you were charged with the development of plans for the attack on Russia, as a specialist for such tasks—was it not clear to you from the very beginning that this attack on Russia could be made only under violations of international treaties, to which Germany was bound?

PAULUS: Yes, under violation of international law, but not under those conditions which developed later.

DR. SAUTER: No, I asked whether it was clear to you that this plan could only be executed by violation of international treaties?

PAULUS: It was clear to me that an attack of that kind could only be made under violation of the treaty which had existed with Russia since the fall of '39.

DR. SAUTER: I have no more questions. Thank you.

[Dr. Exner approached the lectern.]

THE PRESIDENT: Dr. Exner, I have already told the witness, and defendants' counsel have been told over and over again, that it is of the utmost importance that they should ask their questions slowly, that they ask one question at a time, and that they should pause between the question and the answer and between the answer and the next question. Will you try to observe that rule, please?

PROFESSOR DR. FRANZ EXNER (Counsel for Defendant Jodl): Witness, in September of 1940 at the OKW you were charged with the execution of an operational study against Russia, that is, to continue work on a plan which existed already. Do you know about how strong the German forces in the East were at that time?

PAULUS: I can only clarify, in the OKH I have...

DR. EXNER: Yes, we have the OKH in mind.

PAULUS: I do not know any longer how strong the forces in the East were at that time. It was at a time shortly after the end of the campaign against France.

DR. EXNER: You do not know about how many divisions were in the East at that time for the protection of the German border?

PAULUS: No, I cannot remember that.

DR. EXNER: In February of 1941 our transports to the East began. Can you say how strong at that time the Russian forces were, along the German-Russian demarcation line and the Romanian-Russian border?

PAULUS: No, I cannot say that. The information which reached us about the Soviet Union and their forces was so extraordinarily scarce and incomplete that for a long time we had no clear picture at all.

DR. EXNER: But did not Halder at that time talk to the Führer frequently about the strength and deployment of the Russian forces?

PAULUS: That is possible, but I cannot remember it, because I had nothing to do with these questions after that time—with the theoretical development of our ideas. In December the operations department of the Army took the work over.

DR. EXNER: At this time you had theoretical war exercises?

PAULUS: That was in the beginning of December.

DR. EXNER: Then you probably used, as a basis of these exercises, information you had about the actual strength of the enemy?

PAULUS: That was just what we assumed about the strength of the enemy.

DR. EXNER: Well, you have collaborated intensively with that operational plan. You have tried it out by theoretical war exercises.

Tell me, what was the difference between your work and Jodl's at that time?

PAULUS: I do not think I am able to judge that.

DR. EXNER: I do not understand. That was General Staff work, was it not?

PAULUS: Yes, it was General Staff work, with which I was charged by the Chief of Staff.

DR. EXNER: Yes, and the activity of Jodl as Chief of the Wehrmacht Führungsstab...

PAULUS: The difference is that he had a view of the entire situation from the point where he was, whereas I could only see a small section, only that which I needed for my work, and that is all the information I received.

DR. EXNER: But the activity in both cases was one of General Staff preparation for the war?

PAULUS: Yes.

DR. EXNER: I would also be interested to know something about Stalingrad. In your written statement, or written declaration, you have said that Keitel and Jodl were guilty with regard to the prohibition of capitulation, which had such tragic consequences. How do you know that?

PAULUS: I just wanted to say it was the Supreme Command of the Wehrmacht who was responsible for that order. It had the responsibility, and it makes no difference whether it was one person or another. At any rate, the responsibility was with the office as such.

DR. EXNER: At any rate, you do not know anything about the personal participation of any one of these two gentlemen? You only thought of...

PAULUS: The OKW, which is represented by these persons.

DR. EXNER: Why, when the situation at Stalingrad was so hopeless and terrible—as you have indicated today—did you not, in spite of the order by the Führer to the contrary, try to break out?

PAULUS: Because at that time it was represented to me that by holding out with the army which I led, the fate of the German people would be decided.

DR. EXNER: Do you know that you enjoyed the confidence of Hitler in a special measure?

PAULUS: I do not know about that.

DR. EXNER: Do you know that he had already decided that you would become the successor to Jodl if the Stalingrad operation would be successful, because he did not like to work with Jodl any more?

PAULUS: I do not know about that in this form, but there was a rumor that late in the summer or early in the fall of 1942 a change was planned in the leadership. That was a rumor which the Chief of Staff of the Luftwaffe told me at that time, but I did not get any official information about that. There was other information, that I should be relieved of the command of that army and should be used to lead a new army group which was to be formed.

DR. EXNER: Do you remember the telegram which you sent to the Führer when you were promoted to the rank of Field Marshal at Stalingrad?

PAULUS: I did not send a telegram then. After my promotion I did not send a telegram.

DR. EXNER: Have you not thanked the Führer in any way?

PAULUS: No.

DR. EXNER: That is quite contrary to statements which other people have made. Witness, you are said to be or to have been a teacher at the Military Academy at Moscow. Is that correct?

PAULUS: That is not right, either.

DR. EXNER: Did you have another position in Moscow?

PAULUS: I was never in Russia before the war.

DR. EXNER: But now, since you became a prisoner of war?

PAULUS: I have been in a prisoner-of-war camp, like my other comrades.

DR. EXNER: Were you a member of the German Freedom Committee?

PAULUS: I was a member of a movement of German men, soldiers of all ranks and men of all classes, who had made it their aim to warn the German people at the last moment from the abyss, and to arouse them to overthrow this Hitler regime which had brought all this misery to many nations and especially to our German people. I have done that with the proclamation of 8 August 1944.

DR. EXNER: Did you do anything about that before?

PAULUS: No, I did not.

DR. EXNER: Thank you.

DR. LATERNSER: I have only a few more questions to ask the witness.

[Turning to the witness] Witness, did you not know when you took over your office as Chief Quartermaster I that these preparations which Major General Marx already had begun, and which you then continued, were intended only for an eventual case?

PAULUS: One could think so, of course, but very soon in the course of the work things appeared which made it seem very probable that these theoretical preparations were to be put to practical use. In connection with the formulation of this plan of operations for an attack in which, from the very beginning, we were thinking in terms of using the Romanian area—during that very time we saw the dispatching of the first military mission with training groups and an entire Panzer division, just into that area for which the first theoretical preparations for an attack were being made. Thus, gradually, the impression became intensified that this was a plan which eventually would be executed.

DR. LATERNSER: Witness, the reason for my question is this: I believe the date which you mentioned, since which the plan was to have already been in existence, the fall of 1940, is a little early, isn't it?

PAULUS: The documents which I was given for that plan of offense I explained in detail yesterday. They were submitted on 3 September, for upon the basis of these documents everything was developed, and everything was actually executed like that later.

DR. LATERNSER: I mean this: That first this plan was considered or conceived for an eventual case, and then at a later date, after a decision had been taken, it was used.

PAULUS: In retrospect, they fit together in perfect sequence, first the theoretical preparation, and then the practical preparation and execution.

DR. LATERNSER: Do you know Directive Number 18 of 12 November 1940, issued by the former Supreme Commander of the Wehrmacht?

PAULUS: I cannot remember it.

DR. LATERNSER: Mr. President, I refer now to a document which has already been submitted by the United States Prosecution, Number 444-PS. *[Handing the document to the witness]* I submit it to you, Witness. Page 8 is the one to which I am referring.

PAULUS: I cannot remember that I have ever seen this.

DR. LATERNSER: To inform the Court I am going to quote the passage—it is very short—which I have just shown to the witness. It is Page 8 of the Document 444-PS, this paragraph I quote: "5. Russia: Political conferences with the aim of clarifying the attitude of Russia for the near future have been started."

Witness, after you have seen that passage you will have to admit that I am right in saying that the time at which the decision was taken to attack the Soviet Union must have been later than the time you told us yesterday.

PAULUS: I can only say from my personal experience and my own opinion as I look back now, following the entire development, that there was a clear plan from the beginning, the conception of that plan on 3 September 1940, then the directive of 21 December, and then its execution. Just at which precisely measurable date the decision was taken, I do not know, of course.

DR. LATERNSER: Did you know that in 1939 the Soviet Union marched into Poland with very strong forces which bore no relationship—according to opinions of German military experts—with the military problem to be solved at that time?

PAULUS: I only know of the fact that Soviet forces marched into Poland, but I have never heard anything about the size of the forces, nor have I ever heard anyone marvel at the strength of the forces that had taken part in the invasion.

DR. LATERNSER: Do you know that before the German deployment on the Eastern border many strong Soviet forces had been deployed along that border, especially very strong Panzer forces in the area of Bialystok?

PAULUS: No, in that form I have never known of this.

DR. LATERNSER: Were not the first divisions from West to East transferred only after very strong Soviet forces already were standing along the Eastern border?

PAULUS: About the relationship of troop movements from West to East—the practical execution of the plan—I do not know anything, because I had nothing to do with the practical execution. First of all, in the months of April and May, because of other duties, I was present in the High Command of the Army for only a very short time.

DR. LATERNSER: Witness, you said yesterday that at the end of March 1940 there was a conference at the Reich Chancellery, and there Generaloberst Halder gave you several points as a reason for the intended attack on Yugoslavia. You mentioned first the elimination of danger to the flank; second, the taking possession of the rail line to Nish, and you stressed the fact that in case of an attack against Russia the right flank would be free to move.

PAULUS: Yes.

DR. LATERNSER: Were the reasons for this attack not different ones? Were not there reasons which were more important than those you mentioned?

PAULUS: I do not know of any others.

DR. LATERNSER: As to this attack upon Yugoslavia, was not that also to be done to relieve the Italians?

PAULUS: Yes, of course. That was the initial reason why an operation against Greece was considered, and why that menace to the flank had to be eliminated if we were to push forward into Greece from Bulgaria.

DR. LATERNSER: Was not there at that time some concern about co-operation between Yugoslavia and Greece, which would have put England into the position of being able to land on the Greek coast and thereby gain a way to reach the Romanian oil fields?

PAULUS: Yes, but it would also have been impossible to carry out the Plan Barbarossa, which would have been menaced on its right flank and unprotected.

DR. LATERNSER: I have received different information. In the decision to attack Yugoslavia the Plan Barbarossa did not play the important role which you said yesterday it did.

PAULUS: The Plan Barbarossa could not have been carried out if the area of Greece and Serbia, after reinforcement by the British landing, would have fallen into the hands of the enemy.

THE PRESIDENT: Perhaps we can adjourn.

[A recess was taken.]

THE PRESIDENT: I am told that the interpreters, using the words "question" and "answer" before the question and answer, assist the shorthand writers and the press, and therefore the interpreters may continue to say "question" and "answer" before the question and answer is given. That only makes it more obvious that the real remedy for the difficulties which arise is for the counsel and witnesses to pause after the question has been asked and after the answer has been given, and it seems to the Tribunal that counsel and witnesses ought to be able to hear when the translation of the question has been given, and the witness can then give his answer. And when the translation of the answer has been given, which counsel can hear, he should then put a further question. Is it clear what I mean?

DR. LATERNSER: Witness, you were just speaking of the attack on Yugoslavia. If I understood you correctly, you said that this attack had to be carried out before the Plan Barbarossa could be undertaken, as otherwise there would have been a serious threat to the flanks. Did I understand you correctly?

PAULUS: Yes.

DR. LATERNSER: You said yesterday that the overthrow of the government in Yugoslavia was the cause for Hitler's attack on Yugoslavia. Do you know whether any plans for such an attack existed even before the revolution in Yugoslavia?

PAULUS: That is not known to me.

DR. LATERNSER: Do you happen to know that particularly the plan of attack against Yugoslavia came at a very inconvenient time, and that it caused a delay of the attack against the Soviet Union?

PAULUS: That is exactly what I said yesterday. It caused a postponement of the attack on Russia, which had originally been planned for the middle of May, the weather permitting.

DR. LATERNSER: But then there is a sort of contradiction here, if you say that the attack against Yugoslavia took place at that time although it was inconvenient, as the attack against Russia was to be made.

PAULUS: I do not see any contradiction in that. As I saw the situation then, the Yugoslavian Government had made an agreement with us which placed the railway line from Belgrade to Nish at our disposal, and that after that agreement was concluded, a revolution took place in Yugoslavia which created a different policy. Therefore, this plan of attack was believed necessary to eliminate a danger. In other words, I do not see that the decision to attack Yugoslavia and to delay Barbarossa form a contradiction. I merely see that one is a prerequisite for the execution of the other.

DR. LATERNSER: Witness, were you present at a conference of the General Staff on the Obersalzberg on 3 February 1941?

PAULUS: Yes.

DR. LATERNSER: Are you aware of the fact that at that time the strength of the Soviet Russian deployment was estimated at 100 infantry divisions, 25 cavalry divisions, and 30 mechanized divisions, and that this was reported by Generaloberst Halder?

PAULUS: I cannot remember that. Nor am I sure whether Generaloberst Halder was actually present during that conference.

DR. LATERNSER: But, witness, such a conference must have been an unusual one?

PAULUS: Yes.

DR. LATERNSER: And I believe that that conference must at least have given the impression that a very strong concentration of troops on the Eastern Front was in question.

PAULUS: I myself have at least no recollection of any such impression.

DR. LATERNSER: At the beginning of that attack against the Soviet Union, were you still Chief Quartermaster I?

PAULUS: Yes.

DR. LATERNSER: As far as I have in the meantime been informed, it is part of the tasks of that service department to make positive suggestions regarding military operations on land, is that correct?

PAULUS: That was once the case during a different division of tasks. At the time when I was Chief Quartermaster I did not get that task as part of my job. The operational department was not under my control but immediately under the personal control of the Chief of the General Staff. The General Staff Department, first of all, gave me the task of running the training department and then the organization department, and that was in autumn 1941. Therefore, it was not part of my sphere of activities to make suggestions to the Chief of the General Staff regarding operations which were in progress, or any other operations. I merely had to carry out the special tasks which were given to me.

DR. LATERNSER: Witness, can you give information on the subject of how German prisoners of war were treated in the Soviet Union?

PAULUS: That question, about which such an incredible amount of propaganda has been made, which led to the suicide of so many German officers and enlisted personnel in the cauldron of Stalingrad, I have obligated myself to consider in the interest of truth...

THE PRESIDENT: One moment. Cross-examination is questioning on questions which are either relevant to the issues which the Tribunal has to try or questions relevant to the credibility of the witness. Questions which relate to the treatment of prisoners in the Soviet Union have got nothing whatever to do with any of the issues which we have got to try, and they are not relevant to the credibility of the witness. The Tribunal, therefore, will not hear them.

DR. LATERNSER: Mr. President, may I give a reason why I ask that question? May I make a short statement?

THE PRESIDENT: Yes.

DR. LATERNSER: I should like to put that question for the reason that I could ascertain how, actually, prisoners of war were treated, so that a large number of German families, who are extremely worried on that subject, could in that manner be given information on the subject, so that their worries would cease.

THE PRESIDENT: The Tribunal is of opinion that that is not a matter with which the Tribunal is concerned.

DR. LATERNSER: I have no further questions to ask the witness.

DR. HEINZ FRITZ (Counsel for Defendant Fritzsche): Witness, do you know the Defendant Fritzsche?

PAULUS: Yes, I do.

DR. FRITZ: Are you aware of the fact that during the summer and autumn of 1942 he was with your army?

PAULUS: Yes.

DR. FRITZ: Witness, in the course of this Trial there was a discussion about the command of the OKW which, as I hear, was also sharply criticized by you, according to which all the captured commissars of the Russian Army were to be shot. Are you aware of that order?

PAULUS: Yes. It came to my knowledge.

DR. FRITZ: Do you recollect that the Defendant Fritzsche, after he had become aware of that order in the course of his duties in the East, made a proposal to you and your I.C. officers, according to which that order should be cancelled as far as your army zone was concerned?

PAULUS: I cannot recollect that incident. I think it is perfectly possible that Herr Fritzsche did discuss that question with my staff, but when I took over that army on 20 January 1942, that order was not carried out in my zone. As far as I know, this order, which in practice did not become operative, was in fact cancelled later on.

DR. FRITZ: Perhaps, so as to refresh your memory, I might ask another question: Do you recollect, perhaps, that Fritzsche suggested to you or your I.C. officers the scattering of pamphlets with a corresponding content over the Russian front?

PAULUS: I personally cannot recollect that, but I consider it perfectly possible that such a discussion with the I.C. officer who was responsible for that sort of thing took place.

DR. FRITZ: Then one last question: As far as you know the character of the Defendant Fritzsche, would you consider it entirely possible and probable that he made this proposal?

PAULUS: Yes, indeed I do.

DR. ROBERT SERVATIUS (Counsel for the Leadership Corps of the Nazi Party): Witness, in your position you supported Hitler right to the very end, despite the fact that you knew that an aggressive war was being waged. How much could the political leaders know of this?

PAULUS: I cannot answer that question, because it is out of my knowledge.

DR. SERVATIUS: What do you understand by political leaders?

PAULUS: May I ask another question in return? What does the defendant's counsel understand by political leaders, concerning whom he asks the question?

DR. SERVATIUS: Witness, the organization of the Party does not seem to be clear to you. There is an organization of political leaders which is indicted in this Trial. They are to be declared criminal to this extent that, from the Reichsleiter to the Blockleiter, they may be punished because of their participation in the conspiracy to commit all the acts which are being tried here. This organization of political leaders is composed in such a way that 93 percent are local group leaders with their staffs and all their subordinates.

THE PRESIDENT: I do not think you can ask this witness about this. He does not know anything about it. He is not concerned with the charge against the political leadership. I do not think that is proper cross-examination at all.

DR. SERVATIUS: Mr. President, I was going to ask him to what extent these political leaders might have had knowledge, and then I was going to ask a second question, whether he was aware that he, as a witness, has contributed materially to the fact that these people, the political leaders, supported Hitler because they believed in the facade which the witness himself had assisted in setting up.

THE PRESIDENT: I have already answered you that he did not know to what extent the political leaders had been informed.

DR. SERVATIUS: I am also appearing for the Defendant Sauckel, who was responsible for the labor supply.

[Turning to the witness] Have you any knowledge as to whether German prisoners of war were used in Russian armament industries?

PAULUS: I have no authentic or personal information on that subject. The prisoners of war whom I myself have seen, in the camps where I have been, worked for the immediate requirements of the camp or in the near vicinity of the camp. They worked at agriculture or forestry, and I know from the papers that some German units of workers, who had voluntarily formed groups and were working in industry, were proud of the results of their work. But I do not know in what branches of industry these people worked.

DR. SERVATIUS: I have no further questions to put to this witness.

DR. EGON KUBUSCHOK (Counsel for the Reich Cabinet): A statement made by you yesterday has already been discussed once more today, namely, how much knowledge did individual members of the German Government have regarding important decisions? I gathered from your reply that you did not consider the Reich Government, regarding its personalities, one homogeneous body. In this Trial the difficulty repeatedly arises that normal conditions are assumed. One is especially prone to the conception that most important political and military decisions, as is otherwise customary, are made within a government body of important persons or within the military supreme command; in other words, that questions are discussed and decided within a group to which belongs a larger number of personalities. Witness, from the knowledge you have gained in your high military rank, could one assume this to be true of Adolf Hitler's Government? Has Adolf Hitler, in his personality and methods, to speak politely, as a man of an unusual type, chiefly employed a completely different procedure here? Did he not always make his decisions independently or, at most, in closest consultation with a very few assistants, and can we not derive from that that leading personalities in political and military fields had no knowledge of impending events?

PAULUS: I must say to that that my military service in the General Staff of the Army did not give me an insight into the methods of the leadership of the State and of the Reich Government. My concept of a governing body of a nation is that of a united group who, regardless of the methods the state intends to use, have such a sense of responsibility toward the people for the deeds of the government, that they will not allow just anything to be done by even the head of the state—in this case Hitler with his usual brutal and autocratic ways—but, even if not required to do so, would themselves intervene in time with the necessary measures, at the very latest as soon as it was clear to the whole world that this government was being led by an insane criminal.

DR. KUBUSCHOK: Witness, you belong to the second circle of people which you mentioned. It is an established fact that you have not intervened, and, surely, you would have had important reasons for that. I believe that it would be better if, as far as other personalities are concerned, you would not pass judgment, but would answer my questions as far as actual facts are concerned.

My question was whether, according to your knowledge gained not only in your military position but also in your particular and leading position—whether they were right or wrong is unnecessary for establishing the fact—you knew what the methods in military and political matters were and what they were not. According to your knowledge, were resolutions made by a large body of military and political personalities who met and passed these resolutions, or were decisions generally made and resolutions passed in a very much smaller circle of people, probably sometimes only by Hitler alone?

PAULUS: How decisions of the Reich Government were made is not known to me. Therefore, in my previous answer, I have merely given you my general conception of this question and I believe that I have answered it therewith. I cannot imagine that one man alone could have done everything that was done. In order to exert his influence in a small circle he finally needed the co-operation of his immediate assistants. In other words, it was quite impossible for him to achieve his aims otherwise.

DR. KUBUSCHOK: As to the co-operation of his closest assistants, do you believe that some trained minister, a minister of labor or some other minister who was specially trained, was ever consulted by Hitler about his plans for aggression?

THE PRESIDENT: Counsel, the witness has already said that he does not know how the decisions of the Reich Government were arrived at. What he may think about it is really not relevant. He does not know.

DR. KUBUSCHOK: Witness, is it your impression that plans for aggression were made by Hitler many years in advance, or are you of the opinion that they were made to meet certain circumstances, on the basis of the intuition which you say he always had?

PAULUS: That is entirely outside my knowledge. My observations began on 3 September 1940 and continued from that time until January 1942. What I observed during that period is something I explained yesterday. About the time prior to that I am not informed.

DR. MARTIN HORN (Counsel for Defendant Von Ribbentrop): Witness, you said just now that you were a member of a body which had the aim of saving Germany from disaster. My question is: What possibilities to carry out these intentions were at the disposal of yourself and the other members of that group?

PAULUS: We had the possibility of making ourselves heard and understood by the German people, and believed it our duty to make known to the German people our view, not only of military events but also of the events of 20 July, and to tell them of the convictions we had since gained. In this regard the initiative came chiefly from the ranks of the army I had led to Stalingrad. There we experienced how, through the orders of those military and political leaders against whom we were now taking a stand, more than 100,000 soldiers died of hunger, cold, and snow. There we experienced in concentrated form the horrors and terrors of a war of conquest.

DR. HORN: Did you have any other possibility apart from propaganda?

PAULUS: Apart from the possibility of making propaganda through radio and those newspapers which we had created, apart from that propaganda to the German people, we had no other facilities.

THE PRESIDENT: What has the Tribunal got to do with this?

DR. HORN: I merely wanted to ascertain what conclusions I could draw on the credibility of the witness.

THE PRESIDENT: I cannot see that it has any bearing on his credibility.

DR. HORN: It is perfectly possible that we have knowledge of other possibilities which were available, which the witness has not mentioned.

THE PRESIDENT: The Tribunal is of the opinion that what the witness thought or did when he was a prisoner of war in Russian hands has got nothing to do with his credibility, at least as far as the questions that you have asked are concerned, and they will not allow the questions to be put.

DR. HORN: May I have permission to ask the witness one more question?

THE PRESIDENT: Certainly.

DR. HORN: Did you, during the time you were a prisoner, have an opportunity to place your military experiences in any way at the disposal of anybody else?

PAULUS: In no way, in no case.

THE PRESIDENT: Then I understand that that concludes the cross-examination. Does the Soviet Prosecutor wish to ask any more questions?

GEN. RUDENKO: No, Mr. President. We consider that the questions have been comprehensively explained.

THE TRIBUNAL: (Mr. Francis Biddle, Member for the United States): General, you said that when you became Quartermaster General of the Army on 3 September 1940, you found an unfinished plan for an attack against the Soviet Union. Do you know how long that plan had been in preparation before you saw it?

PAULUS: I cannot say exactly how long the period of preparation lasted, but I would estimate that it lasted 2 to 3 weeks.

THE TRIBUNAL (Mr. Biddle): Do you know who had given the orders for the preparation of the plan?

PAULUS: I assume that they originated from the same source, namely, the OKW via the High Command of the Army. The Chief of the General Staff of the Army had given to Major General Marx the same documents that he had given me.

THE TRIBUNAL (Mr. Biddle): At the conferences on the Plan Barbarossa how many members of the General Staff and High Command of the German Armed Forces were usually present?

PAULUS: The departments concerned, the Operational Department, the Department for Foreign Armies, the General Quartermaster for Supplies, and the Chief of Transportation. Those were generally the chief departments which were involved.

THE TRIBUNAL: (Mr. Biddle): How many members of the General Staff and High Command of the German Armed Forces were familiar with the orders and directives as they were being signed?

PAULUS: In the course of time, that is, up to December, while the actual marching orders were being prepared, more or less, all General Staff officers had knowledge of the plan. Just how many had been informed previously, in the individual periods, is something which I can no longer say exactly.

THE TRIBUNAL (Major General I.T. Nikitchenko, Member for the U.S.S.R.): What exactly did the General Staff of the German Army represent?, Did it deal exclusively with the elaboration of technical questions, was it the apparatus elaborating technical problems according to instructions of the Supreme Command, or, again, was the General Staff an organization which prepared, elaborated, and submitted its findings to the Supreme Command independently?

PAULUS: It was a technical executive body which had the task of carrying out existing instructions.

THE TRIBUNAL (Gen. Nikitchenko): Therefore the General Staff was merely a technical apparatus?

PAULUS: That is how it was in practice. The General Staff, as such, was an advisory organization to the Supreme Commander of the Army, and not an executive body.

THE TRIBUNAL: (Gen. Nikitchenko): To what extent did the General Staff conscientiously carry out the instructions received from the Supreme Command?

PAULUS: They carried out these instructions absolutely.

THE TRIBUNAL (Gen. Nikitchenko): Did any conflict exist between the General Staff and the Supreme Command?

PAULUS: It is a known fact that certain differences of opinion did exist, although I am unable to explain that in detail. At any rate, I know through my immediate superior that he had frequently had differences of opinion with the Supreme Command of the German Armed Forces.

THE TRIBUNAL (Gen. Nikitchenko): Could such officers remain? Did they, in fact, remain in the service of the General Staff if they disagreed with the policy of the Supreme Command?

PAULUS: Political questions did not arise in that connection. Generally speaking, political questions were not discussed in the circle of the Army Supreme Command.

THE TRIBUNAL (Gen. Nikitchenko): I am not speaking of political questions in the narrow sense of the word. I am speaking of the policy of planning for war, of the policy of preparations and aggression. That is what I had in mind. Was it intended, in case you know about it, to transform that part of the Soviet Union, occupied by the German Forces?

PAULUS: I never did know what the itemized plans were. My knowledge is restricted to a knowledge of such plans as were contained in the so-called Green Folder for the exploitation of the country.

THE TRIBUNAL (Gen. Nikitchenko): What do you mean by exploitation?

PAULUS: The economic exploitation of the country, so that by utilizing its resources one could bring the war in the West to a close and also to guarantee future supremacy in Europe.

THE TRIBUNAL (Gen. Nikitchenko): Did the nature of the exploitation differ from the economic exploitation applied inside Germany?

PAULUS: In that respect I have no personal impressions, since I only led that army in Russia for three-quarters of a year; and I was captured early, in January 1943.

THE TRIBUNAL (Gen. Nikitchenko): What did you know of the directives issued by Government organizations in Germany and by the Supreme Command, concerning the treatment of the Soviet population by the Army?

PAULUS: I remember that instructions did appear, but I cannot recollect the date at the moment. In those instructions definite rules were given for the manner of conducting the war in the East. I believe that this principal decree was included in that so-called Green Folder, but there may have been separate and special orders to the effect that no particular consideration should be shown the population.

THE TRIBUNAL (Gen. Nikitchenko): What do you mean by "not to show particular consideration"—or perhaps the translation is not quite correct?

PAULUS: That meant that only military necessities should be considered a basis for all measures that were taken.

THE PRESIDENT: Were there any divisions under your command consisting entirely of SS troops?

PAULUS: During the time I led the Army I had no SS troops at all under my command, as I remember. Even in the cauldron at Stalingrad, where I had 20 German infantry, armored, and motorized divisions, and two Romanian divisions, there were no SS units.

THE PRESIDENT: I understand that the SA did not form units, did they? The SA?

PAULUS: I have never heard of SA units, but the existence of SS units is a known fact.

THE PRESIDENT: And did you have any branches of the Gestapo attached to your army?

PAULUS: No, I did not have those either.

THE PRESIDENT: General Rudenko, I did ask you whether you had any questions to ask, and you said no, I take it.

GEN. RUDENKO: Yes.

THE PRESIDENT: Then the witness can retire.

[The witness left the stand, and Gen. Zorya approached the lectern.]

THE PRESIDENT: Please, go on, General.

GEN. ZORYA: Yesterday, I stopped at the questions connected with the relations between the fascist conspirators and the Romanian aggressors. It seems to me that now is the most opportune moment to read into the Record the testimony of Ion Antonescu, which the Soviet Prosecution has at its disposal.

The interrogation of Ion Antonescu was conducted in conformance with the laws of the Soviet Union and I present to the Tribunal as Exhibit Number USSR-153 (Document Number USSR-153) the record of his deposition, which is of exceptional importance in making clear the characteristics of the relationship between Germany and her satellites. I consider it necessary to read the greater part of these depositions, beginning with the second paragraph on Page 1 of the record. It corresponds to Pages 63 and 64 of the document book. I quote:

> "Throughout the entire period during which I held office in Romania"—testifies Ion Antonescu—"I followed the policy of strengthening the alliance with Germany and resorted to her help for retraining and rearming the Romanian army. For

this purpose I had several meetings with Hitler. The first meeting with Hitler took place in November 1940, soon after I became the head of the Romanian State. This meeting took place on my initiative, in Berlin, at Hitler's official residence, in the presence of the German Foreign Minister, Ribbentrop, and Hitler's personal interpreter, Schmidt. The conversation with Hitler lasted over 4 hours.

"I assured Hitler that Romania remained true to the previously concluded agreement regarding Romania's adherence to the Tripartite Pact.

"In reply to my assurances of loyalty to the pact with Germany, Hitler declared that the German soldiers would guarantee the frontiers of Romania.

"At the same time, Hitler told me that the Vienna arbitration should not be considered as final and thus gave me to understand that Romania could count on a revision of the decision previously taken in Vienna, on the question of Transylvania.

"Hitler and I agreed that the German Military Mission in Romania should continue its work of reconstructing the Romanian Army on German lines.

"In the same way I also concluded an economic agreement, in accordance with which the Germans would at a later date supply Romania with Messerschmidts 109, tanks, tractors, antiaircraft and antitank guns, automatic rifles, and other armaments, while they, in return, would receive from Romania wheat and oil for the needs of the German armies.

"To the question put to me as to whether this, my first conversation with Hitler, could be regarded as the beginning of my agreement with the Germans concerning the preparations for war against the Soviet Union—I replied in the affirmative. There is no doubt that Hitler had this fact in mind, when he elaborated his plans for the attack on the Soviet Union.

"In January 1941, through the offices of the German Minister in Romania, Fabricius, I was invited to Germany and had my second meeting with Hitler at Berchtesgaden. The following persons were present: Ribbentrop, Fabricius, and the newly appointed German Minister to Bucharest, Killinger. Besides these, Field Marshal Keitel and General Jodl were also present as representing the German Armed Forces.

"At the beginning of the conversation Hitler introduced Killinger to me, emphasizing that the latter was one of his closest friends. After this, Hitler described the military situation in the Balkans and declared that Mussolini had appealed to him for help in connection with the Italian failures in the war against Greece, and that he, Hitler, intended to give this help to Italy.

"While on this subject Hitler asked me to allow the German troops concentrated on Hungarian territory to pass through Romania, so that they could render speedy assistance to the Italians.

"Knowing that the passage of German troops through Romania to the Balkans would constitute an unfriendly act towards the Soviet Union, I asked Hitler what, in his opinion, would be the subsequent reaction of the Soviet Government.

"Hitler reminded me that at our first meeting, in November 1940, he had already given appropriate guarantees to Romania and had taken upon himself the obligation of protecting Romania by force of arms.

"I expressed my fears that the passage of German troops through Romania might serve as a pretext for military operations on the part of the Soviet Union, and that Romania would then be in a difficult position since the Romanian Army had not been mobilized.

"Hitler announced that he would give orders for some of the German troops intended for participation in the operations against Greece to be left in Romania. Hitler also stressed that, according to the information at his disposal, the Soviet Union did not intend to fight either Germany or Romania.

"Satisfied with Hitler's declaration, I agreed to the passage of German troops through Romanian territory.

"General Jodl, who was present at this conference, described to me the strategic situation of the German Army and stressed the necessity for an attack against Greece launched from Bulgaria.

"My third meeting with Hitler took place in Munich in May 1941.

"At this meeting at which, in addition to ourselves, there were present Ribbentrop and Hitler's personal interpreter, Schmidt, we reached a final agreement with regard to a joint attack on the Soviet Union.

"Hitler informed me that he had decided on an armed attack on the Soviet Union. 'Once we have prepared this attack,' said Hitler, 'we must carry it out without warning, along the entire extent of the Soviet frontier, from the Black to the Baltic Seas.'

"The unexpectedness of the military attack—Hitler went on to say—would in a short time give Germany and Romania a chance to liquidate one of our most dangerous adversaries.

> "As a result of his military plans, Hitler suggested the use of Romanian territory for concentrations of German troops, and, at the same time, he requested me to participate directly in the attack on the Soviet Union.
>
> "Hitler stressed the point that Romania must not remain outside this war, for, if she wished to have Bessarabia and North Bukovina returned to her, she had no other alternative but to fight on Germany's side. At the same time he pointed out that, in return for our assistance in the war, Romania would be allowed to occupy and administer other Soviet territories, right up to the River Dnieper.
>
> "Since Hitler's offer to initiate a joint campaign against the U.S.S.R. corresponded to my own aggressive intentions, I announced my agreement to participate in the attack on the Soviet Union and pledged myself to prepare the necessary number of Romanian troops and, at the same time, to increase deliveries of the oil and food required by the German armies.
>
> "Before Hitler and I took the decision to attack Russia, I asked Hitler whether he had any understanding with Hungary regarding her participation in the war.
>
> "Hitler replied that the Hungarians had already given their consent to participate in the war against the U.S.S.R. in alliance with Germany. When, exactly, the Germans had agreed on this joint attack with the Hungarians, Hitler did not specify.
>
> "On my return from Munich to Bucharest I began active preparations for the coming campaign."

Antonescu concludes his testimony in the following manner—I refer to Page 67 in the document book, the last paragraph of the testimony.

> "After the Romanian troops under my supreme command had invaded the Soviet territory Hitler sent me a letter in which he expressed his gratitude to me and to the Romanian army for the assistance given.
>
> "Signed, Marshal Antonescu."

The date of the beginning of Romanian preparations for war against the U.S.S.R. can be established from the depositions furnished by the former Vice Minister, Mihai Antonescu, who was also interrogated by the Soviet authorities upon the request of the Soviet Prosecution: I now submit his testimony as Exhibit Number USSR-152 (Document Number USSR-152). I shall not quote these depositions in detail since their greater part is a repetition of some of the facts described already in the testimony of Ion Antonescu. I shall only refer to a few paragraphs. I would refer you to Page 1 of the testimony which is translated into Russian, Paragraphs 1, 2, and 5. This corresponds to Page 68 of the document book:

> "In November 1940 Marshal Antonescu, accompanied by the then Minister for Foreign Affairs, Prince Studza, left for Germany, where he had a meeting with Hitler.
>
> "During the negotiations with Hitler, Marshal Antonescu signed the agreement for Romania's adherence to the Tripartite Pact and received Hitler's promise for the later revision, in favor of Romania, of the decisions of the Vienna Arbitration Treaty.
>
> "The first journey of Marshal Antonescu was the initial step of a policy which subsequently led to a joint German and Romanian attack on the Soviet Union."

Your Honors, the evidence of the witness, Paulus, as well as the testimonies of Ion Antonescu and Mihai Antonescu, which have just been submitted to the Tribunal, justify the Soviet Prosecution in making the following statement:

1. The decision to send to Romania a military mission of the German General Staff for the reorganization of the Romanian Army, in order to prepare for and subsequently to attack the U.S.S.R., was taken no later than September 1940, that is, no less than 9 months prior to the attack on the U.S.S.R. 2. In November of the same year, Romanian war preparations had been fully developed.

THE PRESIDENT: Perhaps that would be a good time to break off.

[The Tribunal recessed until 1400 hours.]

Afternoon Session

GEN. ZORYA: Mr. President, at a further stage in my statement I had intended presenting to the Tribunal a statement of General Buschenhagen, general of the former German Army. I do not, however, intend to do so now, since the Soviet Prosecution has the possibility of examining this witness in court during the session. I, on my part, request your permission to have this witness brought to the court for examination.

THE PRESIDENT: You wish to call him now?

GEN. ZORYA: Yes, that would be convenient, in view of several technical reasons, and would facilitate the task of the Prosecution.

THE PRESIDENT: Yes, certainly.

[The witness, Buschenhagen, took the stand.]

THE PRESIDENT: What is your name?

ERICH BUSCHENHAGEN (Witness): Erich Buschenhagen.

THE PRESIDENT: Will you repeat this oath after me: "I swear by God—the Almighty and Omniscient—that I will speak the pure truth—and will withhold and add nothing."

[The witness repeated the oath in German.]

GEN. ZORYA: Witness, will you tell the Tribunal when and where you were born?

BUSCHENHAGEN: I was born on 8 December 1895 in Strasbourg, in Alsace.

GEN. ZORYA: Will you name your last military rank, please.

BUSCHENHAGEN: I was general in the infantry in the German Army. My last position was that of Commanding General of the 52d Army Corps.

GEN. ZORYA: Will you tell us please, did you on 26 December 1945 appeal to us with a statement in connection with the Helsinki trials?

BUSCHENHAGEN: Yes.

GEN. ZORYA: Do you confirm this statement now?

BUSCHENHAGEN: Yes, I do.

GEN. ZORYA: Will you please tell us what you know about the preparations made by fascist Germany for attacking the Soviet Union?

BUSCHENHAGEN: At the end of December 1940, in my position as Chief of the General Staff of the German forces in Norway, I was called to the OKH, where the then Chief of the General Staff, Generaloberst Halder, had a conference with the chiefs of general staffs of the army groups and of the independent armies, one of which was mine. At this conference we were informed of the OKW's Directive Number 21, the Plan Barbarossa, which was issued on 18 December 1940. We were given in lectures the basic reasons for the intended operations against Soviet Russia.

From this directive I learned that troops of my army also would take part in this operation. Therefore, I was especially interested in one speech made by the Chief of Staff of the Finnish Army, Lieutenant General Heinrichs, who was then also with the OKH. He spoke at that time about the military actions in the winter war between Finland and the Soviet Union. He drew a picture of the methods of warfare and the fighting value of the Soviet Army and also of the Finnish troops.

General Heinrichs also had conferences with Generaloberst Halder at that time, in which I did not take part myself, but I assume that they were concerned with possible co-operation between the Finnish and German troops in case of a conflict between Germany and the Soviet Union. There existed since the fall of 1940 a military co-operation between Germany and Finland, and the German Air Force had made arrangements with the Finnish General Staff for through traffic from northern Norway to the Finnish harbors in the transport of men and material. As the result of conferences, which the German military attaché had held in Helsinki by order of the OKW, this through traffic was extended in the winter of 1940 to a general through traffic of the German Wehrmacht from northern Norway to the Finnish Baltic seaports. In order to carry out this traffic, a German Army administration center was set up in the main city of Lapland, Rovanjemi, and a German army transport unit was transferred to the Arctic Strait of Rovanjemi and Petsamo-Rovanjemi. Furthermore, offices for supply were installed along this Arctic Sea route and along the railroad which led from Rovanjemi to ports on the Finnish south coast.

In December to January 1940-41, I had, with the OKW, discussions about details of the participation of troops from Norway together with Finnish troops in attacks against the Soviet Union.

GEN. ZORYA: Didn't you also have conferences with the Finnish General Staff about joint operations against the Soviet Union?

BUSCHENHAGEN: Yes, I did.

GEN. ZORYA: Tell us, who instructed you to negotiate with the Finnish Government and what course did these negotiations follow?

BUSCHENHAGEN: I had orders and authorizations from the OKW, which was the immediate superior of myself and my army. In February 1941 I received—after the basic facts had been cleared in regard to the participation of the troops from Norway based in

Finland—I received the order to travel to Helsinki and to get in touch there, personally, with the Finnish General Staff and to discuss with them these operations from middle and northern Finland.

On 18 February 1941 I reached Helsinki and on the 2 following days, I had conferences with the Finnish Chief of General Staff, General Heinrichs, his deputy, General Airo, and the Chief of the Operations Detachment of the Finnish General Staff, Colonel Tapola. In these conferences we discussed the possibilities for operations from middle and northern Finland, especially from the area around Kuusamo and Rovanjemi; also from the area of Petsamo. These conferences led to an agreement of the different opinions.

After these conferences I travelled, together with the Chief of the Operation Detachment of the Finnish General Staff, Colonel Tapola, to middle and northern Finland in order to study the area of Urinsalmo-Kuusamo, the area east of Rovanjemi-Petsamo, the terrain, the possibilities for deployment and billeting, and for operations from that sector. For these reconnaissance trips the local Finnish commanders were present. The trip ended on 28 February in Torneo, on the Finnish-Swedish border. In a final conference it was determined that an operation from the area of Kuusamo and Helsinki and an operation from the area east of Rovanjemi in the direction of Basikamo would prove successful; that, on the other hand, the operations from Petsamo towards Rovanjemi would have considerable difficulty with the terrain. That was the end of my first series of conferences with the Finnish General Staff.

As a result of these discussions there was worked out by the German High Command of Norway a plan of operations for an operation from the Finnish areas. The operational study was presented to the OKW and found its approval. It then received through the High Command of Norway the name of "Blaufuchs."

In May, that is, on 24 May, I met the Finnish Chief of Staff Heinrichs, who had been invited to the Führer's headquarters at Brandenburg and flew with him to Munich, where I had with him and his chief of the Operational Department of the Finnish General Staff, Colonel Tapola, a discussion in preparation for another conference at Salzburg.

On the 25th there was at Salzburg a conference between the OKW, Field Marshal Keitel, Generaloberst Jodl on the one side, and on the other, Lieutenant General Heinrichs and Colonel Tapola, at which the basic plans for co-operation between German and Finnish troops were laid down.

After this conference I travelled, together with General Heinrichs, to Berlin. There we had further conferences at the Economic Armament Office of the OKW, as to the delivery of material to the Finnish Army. There were also conferences with the General Staff of the Air Force concerning joint questions of the air war and the reinforcement of the Finnish Air Force with matériel. General Heinrichs, after these discussions, also had a meeting with Generaloberst Halder, in which I did not participate.

For the third time I met the Finnish General Staff on 2 June. In my statement of 26 December I said that this conference took place at the end of April or the beginning of May; that was a mistake. As a matter of fact, it took place on 2 June.

At these conferences, which again took place between General Heinrichs, General Halder, and Colonel Tapola, the details of this collaboration were worked out, such as the timetable, the schedule, measures of secrecy as to the Finnish mobilization; there it was decided that the Finnish mobilization should first take the form of reinforcement of the border patrols, and then the form of further enlistments for the military training of reservists and reserve officers; a decision was also reached about the deployment and formation of German-Finnish forces in such a way that the main Finnish forces, under the command of Field Marshal Mannerheim in the south, should operate together with the German Army Group North, coming from East Prussia, in the direction of Leningrad and also towards the east of Lake Ladoga.

The other Finnish forces were to be under the command of Generaloberst Von Falkenhorst north of the Rivers Ulo and Ulojoki. For this army of Generaloberst Von Falkenhorst there were three directions of attack; a southern group from the area of Kuusamo through Kerskienski against the Murmansk railroad; the middle group east of Rovanjemi through Salla Kandalaksha and finally, a northern group starting from around Petsamo against Murmansk. There was complete agreement on all these questions and also there were details discussed about exchange of information, about the use of Finnish means of transportation and by representatives of the Air Force about joint questions of air warfare and about the use of Finnish airports by the German Air Force.

After these discussions I returned to Germany in order to work out their results and put them into action on behalf of Germany. Then again, on 12 or 13 July I flew to Helsinki for the purpose of conferring with Lieutenant General Erfurt, who was the German liaison officer with the Finnish Armed Forces. We met General Heinrichs at Helsinki and gave him a memorandum on the points which we had agreed upon in previous conferences. He agreed to these points, except for a minor detail. Then I turned over my duties as liaison officer with the Finnish General Staff to Lieutenant General Erfurt, to take up my activities as Chief of General Staff of the German Army in Lapland.

GEN. ZORYA: I should like to ask you a last question. If it is not too difficult for you, will you please indicate what was the exact character of these preparations of the OKW and the Finnish General Staff? More especially, at the planning of these operations was the necessity of defense taken into consideration?

BUSCHENHAGEN: All agreements between the OKW and the Finnish General Staff had as their sole purpose from the very beginning the participation of the Finnish Army and the German troops on Finnish territory in the aggressive war against the Soviet Union. There was no doubt about that. If the Finnish General Staff, to the outside world, always pointed out that all these measures had only the character of defense measures, that was just camouflage. There was—from the very beginning—no doubt among the Finnish General Staff that all these preparations would serve only in the attack against the Soviet Union, for all the preparations that we made pointed in that same direction, namely, the plans for mobilization; above all, the objectives for the attack. Nobody ever reckoned with the possibility of a Russian attack on Finland.

Since, for cogent military reasons, the operations for attack from Finnish territory could start only 8 to 10 days after the beginning of the attack against Russia, certain security measures were taken during and after the attack, but the whole formation and lining-up of the troops was for offensive and not defensive purposes. I believe you can see sufficiently from that the aggressive character of all these preparations.

GEN. ZORYA: I have no further questions to ask.

THE PRESIDENT: Does the French prosecutor wish to ask any questions?

FRENCH PROSECUTOR: No questions.

THE PRESIDENT: Does the United States Prosecution wish to ask any questions?

UNITED STATES PROSECUTOR: No questions.

THE PRESIDENT: Do defendants' counsel wish to cross-examine?

DR. LATERNSER: Witness, in this Trial a group of people are under indictment with the purpose of declaring them criminals. Included in this group, to state it shortly, are all the commanders-in-chief of the several parts of the Armed Forces.

Have you ever had any knowledge before the beginning of the attack against the Soviet Union that an order came out, according to which the captured commissars had to be executed?

BUSCHENHAGEN: Yes.

DR. LATERNSER: Did you at any time speak to your commanding general, Generaloberst Von Falkenhorst, concerning this order?

BUSCHENHAGEN: Yes.

DR. LATERNSER: What opinion did Generaloberst Von Falkenhorst and yourself hold concerning this order?

BUSCHENHAGEN: That this was a criminal order.

DR. LATERNSER: Since you had that opinion, I would like to ask you whether, within your army, this order was carried out?

BUSCHENHAGEN: Actually it was not carried out.

DR. LATERNSER: For what reasons was it not carried out? Perhaps because the commander and his chief and you, Witness, were of the opinion that this order should not be carried out or because it would not have been practicable, for, as it is known, the Soviet commissars fought until the last and fell and, in cases where they were captured, their papers, which showed them to be commissars, had already been destroyed?

For what reason was this order not actually carried out?

BUSCHENHAGEN: Firstly, in view of the line taken by Generaloberst Von Falkenhorst and myself, comments were added to it before it was passed on, in other words, we let the troops know that inwardly we were not in agreement with it—and we found our commanding generals to show a full understanding. Secondly, because of the reason given by you, because, as a matter of fact, not a single commissar fell into our hands, as far as I can remember.

DR. LATERNSER: Witness, do you know any other commanders who had the same attitude as you had with regard to this order?

BUSCHENHAGEN: No.

DR. LATERNSER: Do you answer "no" because you did not speak to others?

BUSCHENHAGEN: I did not speak to others because in Norway I was so isolated from other armies that I had no opportunity of speaking to others.

DR. LATERNSER: Witness, aren't you of the opinion that the great majority of the commanding generals had the same attitude concerning this order as you and your commanding general?

BUSCHENHAGEN: I cannot answer that because I cannot speak the minds of the others.

DR. LATERNSER: I have no further questions.

THE PRESIDENT: Do any other defendants' counsel wish to ask questions? General, do you wish to ask any questions in re-examination?

GEN. ZORYA: I have no further questions.

THE PRESIDENT: Then the witness will retire.

[The witness left the stand.]

GEN. ZORYA: This morning I had to stop before reading the testimony of Pantazi, Romania's former Minister of War, which I intend to present to the Tribunal as Exhibit Number USSR-154 (Document Number USSR-154). Pantazi describes in detail the preparations of Romania for war. I would ask you to accept this testimony as evidence. You will find it on Page 71 of the document book. I shall now read such extracts of this document as are of interest to us:

> "Romania's preparations for war against the Soviet Union began in November 1940 when, in accordance with the agreement signed by Marshal Antonescu in Bucharest, regarding Romania's adherence to the Tripartite Pact, there arrived in Bucharest German military missions, consisting of groups of German officer-instructors; those for the army were headed by General Hansen, those for the Air Force by Major General Speidel.
>
> "With the arrival of the German military missions in Romania, the Chief of the General Staff of the Romanian Army, General Joanitiu, acting on the orders of Antonescu, issued an order to the army, regarding the admission of German officer-instructors into units and groups, for the purpose of reorganizing and re-educating the Romanian forces in accordance with the code of regulations of the German Army.
>
> "At the same time, and still acting on Marshal Antonescu's orders, all reserve officers of the Romanian Army were called up for a course of 2 months of retraining and underwent instruction under German direction.
>
> "During the period of the retraining of officers, the General Staff of the Romanian Army drafted a plan for calling up into the Army 12 age groups due for mobilization in case of war, the training of all these groups to be carried out in accordance with the demands of the code of regulations of the German Army, to be completed by 1 July 1941.
>
> "The higher Romanian officers underwent similar retraining in their respective branches of the service.
>
> "In this way, under German leadership and prior to the beginning of the war by Germany and Romania against the Soviet Union, the whole of the Romanian Army and Air Force were reorganized and retrained along German lines."

I shall omit two paragraphs which are of no importance and I pass to the second paragraph, which you will find on Page 72 in the document book. These are also depositions of Pantazi.

THE PRESIDENT: General, in view of the evidence which you have already presented to the Tribunal, the Tribunal is inclined to think you could omit these details of the preparations made in Romania and go on to the place where you deal with the number of German divisions who deployed on the Romanian frontier.

GEN. ZORYA: Yes, this question is of importance. I hesitate at present to point out the exact passage which deals with it—it must be on Page 74 in the document book:

> "In this connection the following units which were already mobilized and ready for action against the Soviet Union were, in February 1941, on Marshal Antonescu's orders, directed to the frontiers of North Bukovina and Bessarabia: The 4th Alpine Rifle Division, the 7th, 8th, and 21st Infantry Divisions, the Infantry Division of the Guards, a cavalry corps and another infantry division whose name I do not recall at present. In addition, 3 German divisions, selected from the 21 German divisions moving to Greece across Romania, were sent to the U.S.S.R. frontier."

I omit several paragraphs. On Page 73 of your book of documents we find the following extract from Pantazi's testimony, marked in pencil:

> "In accordance with instructions from Marshal Antonescu in May 1941, the following divisions were likewise sent to the frontier: The Frontier Division, the 3rd and 1st Alpine Rifle Divisions, the 13th Infantry Division, and a Panzer division. Concurrently with these divisions the Germans transferred to the U.S.S.R. frontier seven German divisions.
>
> "Consequently, prior to the beginning of the Romanian and German attack on the Soviet Union, there were concentrated on the frontier between Romania and the U.S.S.R. 12 Romanian and 10 German divisions, totalling up to 600,000 men."

Thus the documents which have just been submitted to the Tribunal justify the assertion that Romania's preparations for aggression against the Soviet Union on the directions received from the staff of the fascist conspirators had begun long before they found expression on paper in Plan Barbarossa. Having attacked the Soviet Union, Hitler's lackeys expected gratitude from their masters for services rendered. On 27 July 1941 Hitler sent a letter addressed to Antonescu expressing gratitude to him and to his army.

I submit to the Tribunal this letter from Hitler, addressed to Antonescu as Exhibit Number USSR-237 (Document Number USSR-237). Hitler writes in this letter—Page 1 of the Russian translation of the letter, Paragraph 3, Page 74 in the document book presented to the Tribunal:

> "To congratulate you wholeheartedly on this great success is for me personally as great a happiness as it is a satisfaction easy to understand. The winning back of Bessarabia will be the most natural reward for your effort and those of your gallant troops."

The promises of the fascist bosses were not limited to Bessarabia alone.

I beg for permission to return to the conversation of 12 February 1942, between Antonescu and the Defendant Ribbentrop. This conversation is set forth in a document which I presented as Exhibit Number USSR-233 (Document USSR-233). I am now referring to Paragraph 3 of the Russian translation of this document—3rd paragraph from the top of this page—which you will find on Page 61 of the document book. It consists of the following entry made by Antonescu:

> "I reminded Herr Von Ribbentrop that, at the banquet given by him, he raised his glass to the happiness of a great Romania, to which I replied that we have entered into an alliance with the Axis in order to create a 'Great Romania.'"

What, then, was this "Great Romania" to represent, to which the Defendant Ribbentrop had raised his glass?

This can be seen from the document which I now submit to the Tribunal as Exhibit Number USSR-242 (Document USSR-242). This document is one of Antonescu's letters—a copy of a letter—to Hitler, dated 17 August 1941. I request you to read this document into the record, and I consider it necessary to read Paragraphs 2 and 4 from it, which correspond to Page 2 of the Russian translation in the document book in your possession. The corresponding text is on Page 78. I quote Paragraph 2. Antonescu writes:

> "In compliance with the wish of Your Excellency, I take upon myself the responsibility for guarding the territory between the Rivers Dniester and Dnieper, for maintaining order there, and for its security, in which connection it will only be necessary to delineate a boundary to this territory on the north."
>
> Paragraph 4 of this letter:
>
> "In order to maintain order and to control the economic exploitation of the occupied territory, and foreseeing the continuation of the war, I consider it absolutely necessary that unity of command should be established.
>
> "I therefore beg Your Excellency to give precise instructions defining my rights and responsibilities for the administration and economic exploitation of the territory between the Rivers Dniester and Bug, as well as for the guarding, the maintenance

> of order and the security of the whole territory between the Rivers Dniester and Dnieper.
>
> "I beg you, Your Excellency, to accept the best assurances from your devoted Marshal Antonescu."

Two days after this letter was written Antonescu appointed a governor of the occupied regions of the Soviet Union, to which he gave the name of the "Transnistrian" regions.

I present to the Tribunal as Exhibit Number USSR-295 (Document Number USSR-295), the testimony of this "governor," George Alexianu, who was taken prisoner by the Red Army, and beg you to accept it as evidence.

Alexianu, giving details of his nomination, testifies as follows—Page 2, Paragraph 2, of the Russian text, Page 79 in the document book which is in your possession. I quote:

> "Antonescu said that, in connection with the successful advance of the German Army, Hitler wrote him a personal letter in which he offered to annex to Romania the Soviet territories extending from the Dniester to the Dnieper which had been captured by the German troops and to establish there their own occupational authorities."

On Page 80 of the document book at the top of Page 3 of the Russian text of the testimony, Alexianu states that in the summer of 1942 he was present at the Council of Romanian Ministers at which Marshal Antonescu, referring to the successes of the German and the Romanian armies on the Eastern Front, stated:

> "It is now evident for us all that I acted rightly when, as early as November 1940 I came to an agreement with Hitler on the joint attack against the Soviet Union."

However, the generosity of the fascist Führer, who gave Soviet territories away, right and left, to his vassals, diminished noticeably in the course of the war as the Red Army successes grew.

I have here before me one of Hitler's letters to Ion Antonescu, dated 25 October 1943. I beg the Tribunal to accept it as evidence as Exhibit Number USSR-240 (Document Number USSR-240). Something like 2 years and 3 months had passed since the moment when Hitler complimented his Romanian satrap on the seizure of Bessarabia. Quite recently, Antonescu had still been worrying over the question of organizing a "unified" administration in Transnistria. Circumstances and conditions had altered. Hitler now writes—I quote the second paragraph from the top of Page 1, which you will find on Pages 82-83 of your document book:

> "My further request concerns the essential exploitation of Transnistria, that as a rear theater of operations for Army Groups A and South it should not be hampered by any formal

> juridical or economic considerations and difficulties. I must further request you to put at the disposal of the German authorities the entire network of the Transnistrian railways...."

As a poor consolation Hitler adds—Page 82 of the document book:

> "All military measures... have, as their final aim, the preservation of Transnistria for Romania."

Then even Antonescu, who had so many times subserviently assured Hitler of his submissiveness, reached the end of his endurance. On 15 November 1943 he wrote a lengthy reply to Hitler. In this letter Antonescu wrote unrestrainedly how he fulfilled the will of his master at the expense of his people.

I present Antonescu's letter to Hitler as Exhibit Number USSR-239 (Document Number USSR-239). His letter is dated Bucharest, 15 November 1943. I quote, beginning with Paragraph 2 of this letter, towards the end of Page 5 of the Russian text. It is on Page 88 of the document book:

> "As to the regime in Transnistria we agree with your Excellency that it is neither opportune nor timely to examine in the spirit of a banker the problem of this territory as a military zone, a zone of supply, *et cetera.*
>
> "I should like to begin by explaining the causes of my anxiety.
>
> "I do not know whether the truth about the Romanian participation in the war, from 1941 to the present moment, has always been told you: That this war has cost Romania 300,000 million lei; that during this period we gave Germany more than 8 million tons of oil, thus threatening our own national stocks, as well as the deposits themselves; that we are bearing heavy expenses incurred in supporting the families of 250,000 men who lost their lives in battle."

Here I omit four paragraphs which have no bearing in the gist of the matter and continue to read on Page 89 of the document book.

> "Of course, the arrival of troops on the Transnistrian territory is, as you say, a shield on the gates of Romania. Our only desire is that all be in good order and utilized in the most advantageous manner possible....
>
> "As regards the transfer of the Transnistrian railways into German hands for the purpose of increasing transportation, I beg Your Excellency to reconsider this question. In our opinion this transfer is not necessary.
>
> "Transnistrian railways, from 1941 to the present day, functioned well under Romanian administration. They always satisfied German demands and their management was always highly appreciated."

I request you to turn one page of the document book. I now read an extract from Page 90 of the book:

> "If the traffic capacity of the Transnistrian railways cannot still be further increased in pursuance to the generally established joint plan, we cannot bear any responsibility for that fact. Here too we kept our obligations."

And two paragraphs further on, the same page, the following statement is made:

> "I am sure that our railway administration could carry out the measures necessary in order to increase the traffic capacity and to improve the organization.
>
> "As I personally was in charge of the organization of the administration and economics of this region, it would be a great mortification to me if the administration of the railways were to pass to German hands, since one would justly say that our incapacity in this respect was the reason for such measure."

There came a moment in the relations between the two aggressors when the former harmony, based on the seizure of foreign lands and wealth, gave place to arguments on the question as to who should bear the great financial responsibility for the losses suffered as a result of the criminal adventure embarked upon by both partners.

This is revealed by the following document, captured from the personal archives of Antonescu and which I intend to present to the honorable Tribunal as Exhibit Number USSR-245 (Document Number USSR-245). I should like to read a quotation from this document, which is lengthy but which is very important in enabling us to realize the relationship between fascist Germany and her satellites. This document is entitled, "General Hansen's Meeting with Marshal Antonescu on 7 July 1943."

As Your Honors will no doubt remember, General Hansen was the head of the German Military Mission of the German General Staff in Romania. I shall read into the record excerpts from this document, underlined in red pencil, on Pages 92 and 93 of the document book...

THE PRESIDENT: Wouldn't it be possible for you to summarize these documents with reference to Romania? Because you have already drawn our attention to a considerable amount of evidence with reference to Romania's participation, General Antonescu's statements and other evidence of that sort. Possibly you would be able to go on then to the question of the Hungarian participation—in Document Number USSR-294. What you are reading us now really shows the extent, no doubt, of the Romanian participation, but it is all after the aggression. I thought, from looking at it, that you could possibly go on to USSR-294.

GEN. ZORYA: If the Tribunal wishes, I shall certainly do so.

THE PRESIDENT: I think it would save time and would not detract from the case at all.

GEN. ZORYA: I shall summarize this document in a few sentences, and I shall then pass on to the next document.

THE PRESIDENT: Very well.

GEN. ZORYA: The sense of this conversation is interesting insofar as it reveals the shameless bargaining which went on between Hansen and Antonescu. The objects of this bargaining were money, war supplies, and human lives. Antonescu, who was beginning to feel the disadvantage of the absence of any kind of proper agreement with Germany, insisted that all subsequent dealings, whether of a material or any other nature, be subjected to appropriate official agreements. He demanded from Germany the delivery of various war supplies either of a technical or, in last analysis, of a monetary nature. And when General Hansen said that Germany had no lei, Antonescu replied, "If you have no lei, give us at least arms and equipment." That is how the document describes the policy pursued by fascist Germany for extracting the most varied resources from her vassals.

Now, I should like to touch briefly upon certain methods of foreign policy which the Hitlerites used in dealing with their vassals. I should like to dwell on the policy pursued by the Hitlerite conspirators in regard to the question of Transylvania. Holding out the question of Transylvania as bait, the Hitlerite conspirators forced their Hungarian and Romanian vassals to work out their own promotion.

I submit, as Document Number USSR-294, the depositions of Ruszkiczay-Ruediger, a former Generaloberst of the Hungarian Army.

Prior to May 1941, Ruszkiczay-Ruediger held important posts in the Hungarian Foreign Ministry. Subsequently, prior to September 1942 he commanded an army corps, after which he became Deputy War Minister of Hungary.

Now, I should like to read the deposition of Ruszkiczay-Ruediger, concerning the Transylvanian question. The passages which I should like to read into the record are on Page 3 and on the top of Page 4 of the Russian text, which corresponds to Pages 102 and 103 of the document book:

> "The second Vienna Arbitration Treaty assumed the form of a decision which was of little profit to Hungary. The district

> of Megyes-Kissármés, where natural oil could be obtained, was reserved for Romania. In Hungarian political and military circles this was interpreted in such a way that in the Second Vienna Arbitration Treaty Hitler thought himself in alliance with Romania in the war against Soviet Russia. The fact that Hitler considered Romania a more important ally than Hungary was explained on the grounds that in an eventual war with the Soviet Union, Germany would undoubtedly need Romania's southern wing which extends to the Black Sea.
>
> "In an official conversation which took place towards November 1940 the Chief of the Operational Group of the Hungarian General Staff, Colonel Laszlo, told me the following:
>
> " 'The second Vienna Arbitration Treaty has aroused bitter envy of Romania in Hungary, and it is up to us to obtain advantages from Hitler.' "

I would remind you that Antonescu, in his testimony, presented to the Tribunal earlier in the day, said, when speaking of his negotiations with Hitler:

> "In November 1941 Hitler told me that the final word had not been spoken in the Vienna Arbitration Treaty, thereby giving me to understand that Romania could still count upon a revision of the decision previously adopted on the question of Transylvania."

However, soon after, while visiting Budapest, the Defendant Ribbentrop expressed an entirely opposite point of view.

I shall present to the Tribunal three documents which illustrate the attitude of Hitler, Ribbentrop, and Göring under these circumstances. I submit in evidence Exhibit Number USSR-235 (Document Number USSR-235), containing the minutes of one of the subsequent conversations between Antonescu and Hitler, which took place on 3 April 1942. This document will be found on Pages 113-116 of the document book. I shall read some excerpts from this document, on Page 3 of the Russian translation, which corresponds to Page 113 in the document book. I quote:

> "I"—Antonescu—"reminded him"—Hitler—"that the Hungarian statesmen did not hesitate to declare openly in Parliament and in the press after Ribbentrop's visit to Budapest that should they intervene"—that is, should they send their troops—"Transylvania is to remain Hungarian; such rumors circulate, and they greatly demoralize the Romanians. Hitler gave me his word of honor that such promises had not been made and could not have been made, and that this does not correspond to actual facts."

In this way Hitler juggled with promises to encourage his satellites.

THE PRESIDENT: Shall we adjourn now for 10 minutes?

[A recess was taken.]

GEN. ZORYA: The next document, which I am submitting to the Tribunal as Exhibit Number USSR-183 (Document Number USSR-183), concerns the Transylvanian question and the Defendant Ribbentrop. It is the record of a conference between Antonescu and Von Dörnberg, Chief of Protocol of the German Ministry for Foreign Affairs, which took place at the frontier on 10 February 1942. I am asking the Tribunal to accept this record as evidence. This document, taken from the personal archives of Marshal Antonescu, was captured by the advancing Red Army. I do not consider it necessary to read the entire document into the record, and I shall merely confine myself to a few excerpts. Will you please open your document book on Page 116, where there is a record of the conference between Antonescu and Von Dörnberg of 10 February 1942. I quote:

> "He openly introduced the subject of the Order of Charles the First which Herr Von Ribbentrop was claiming for himself through various German official channels in our country, as well as through the Romanian officials accredited to the German Government."

I pass to the next page, Page 117 of the document book. I quote:

> "I told Herr Von Dörnberg that I would not be able to grant this award until Herr Von Ribbentrop, at the very first opportunity, made a public declaration also to Romania, a declaration which would bolster up the faith of the Romanian people in their struggle for the cause of justice and for their legitimate claims in the Europe of the future. I would, therefore, grant him this award on condition that it be made public only after he had made this declaration.
>
> "Herr Von Dörnberg asked for time to reflect on the matter.
>
> "Next day, before entering the railway coach, he asked me to hand him the decoration, telling me that Von Ribbentrop wanted it and requesting me not to divulge our conversation to Ribbentrop, since he now promised to make the award public only upon the fulfillment of my conditions. On this condition I gave him the decoration, without the appropriate certificate."

Thus Ribbentrop was prepared to disclaim his Budapest statement on receipt of the Romanian order.

I have also at my disposal a record of a conference between Antonescu and Göring. Will you kindly turn to Page 118 of the document book. Unfortunately, this document, discovered together with other documents in Antonescu's personal files, previously mentioned by me, is undated. We submit this document as found. I present it as Exhibit Number USSR-238 (Document USSR-238), and I am reading one excerpt only. I quote:

> "During the conversation at Karinhall, Marshal Göring was very reticent on the problem of Transylvania. On the way, in the car, he said to the Marshal"—that is to Antonescu:
>
> " 'After all, why do you quarrel with Hungary about Transylvania, which is actually more German than Romanian or Hungarian.' "

We may, presumably, agree that on this occasion Göring had expressed the viewpoint of the fascist conspirators on the problem of Transylvania with a sufficient degree of truthfulness.

With a view to concluding the clarification of Germany's mutual relations with her vassal, Romania, I should like to emphasize the subject of crude oil. In this field, Romania was one of Germany's principal suppliers.

Both before and during the war the Hitlerites extracted oil from Romania by all possible means. Antonescu, by the way, refers to this in one of his letters which has already been read into the record. I shall now submit two documents which sufficiently prove how important this question was to Germany, and how significant it was considered by the Hitlerites themselves. As Exhibit Number USSR-244 (Document Number USSR-244), I present an urgent telegram from the Defendant Keitel, addressed to Marshal Antonescu and received by the latter on 31 October 1942. I shall not explain in detail how this document was taken from the personal archives of Antonescu, in the same way as the previous one. I now read this telegram into the record and would ask you to accept it as evidence—to be found on Page 119 of the document book:

> "Telegram to the German Mission for direct transmission to Marshal Antonescu.
>
> "Herr Marshal! In the name of the Führer I approach Your Excellency with a request for your personal intervention in the matter of accelerating, as far as possible, the delivery of the maximum possible quantity of fuel to the Italian Fleet, which is absolutely essential to the latter for the continuance of military operations in the Mediterranean.
>
> "The absence and lack of all means of transport for further operations have resulted in a critical situation in North Africa,

and the transport of supplies depends entirely on the delivery of adequate quantities of fuel.

"I beg Your Excellency to increase to the maximum degree those deliveries of fuel to Italy, which are exclusively reserved for supplying the fleet called upon to maintain important positions in the Mediterranean for the purpose of the joint warfare.

"I have chosen this method of direct appeal to you because I am sure that your personal intervention will result in the assistance required.

"Yours in comradely esteem, signed Keitel, Field Marshal."

Allow me now to submit the telegram which Antonescu sent in reply to Keitel. Please turn to Page 120 of the document book, Exhibit Number USSR-244(a), (Document Number USSR-244(a)).

THE PRESIDENT: Could you summarize the contents of this document.

GEN. ZORYA: I can summarize the contents of that telegram in two sentences. In reply to the Defendant Keitel's tearful appeal to increase to the maximum degree the fuel supplies, Antonescu replied, in a wire addressed to Keitel, that he would meet his engagements in full, but that the supplies previously requested by the German officials had already been delivered and that it was impossible to send any more. If something could eventually be saved from the quantities used inside Romania then perhaps, somehow or other, Romania might be able to help her allies. On the whole, Antonescu begged General Keitel to accept his expressions of regard and high esteem, but would not give him any more oil.

Allow me to remind you, Your Honors, that in October and November 1942 Rommel's fate was being decided in North Africa, and that at the same time the Red Army was barring Germany's advance on the Grozny and Baku oil fields on the borders of Mozdok. It is obvious that the Germans lacked sufficient quantities of crude oil.

I shall read one extract from the minutes of a conversation which took place on 12 February 1942, between Antonescu and the Defendant Ribbentrop, which has not, as yet, been read into the record. I have previously submitted to the Tribunal the record of this conversation as Exhibit Number USSR-233. I ask you to turn to the end of Page 51 and to Page 52 of the document book, which corresponds to Page 4 of the Russian text. There you will find the following lines. In reply to Ribbentrop's question on the subject of crude oil, Antonescu stated:

> "As for crude oil, Romania has contributed the maximum which it was in her power to contribute; she can give no more. The only way out of the situation would be to seize territories rich in oil."

We should note here that Antonescu was not at all original in his idea of seizing other people's territories, rich in oil.

I am asking Your Honors to refer to Pages 121-129 of the document book. There is one document taken from the private office of the Defendant Rosenberg, which is entitled, "About the Organization of the Caucasus." I submit this document to the Tribunal as Exhibit Number USSR-58 (Document Number USSR-58), and I would ask you to accept it as evidence. In July 1941 the Defendant Rosenberg formulated the German opinion on this question—Page 122 of the document book as follows:

> "Germany is interested in creating a stable position in the entire Caucasus in order to secure the safety of continental Europe, that is, to safeguard for herself the link with the Near East. It is only this link with the oil fields that can make Germany and the rest of Europe independent, in the future, of any coalition of maritime powers. The aim of German policy is to control the Caucasus and the adjoining lands to the south, both politically and militarily."

Will you please turn to Page 124 of the document book as well as to Page 4 of the Russian text of the document from which I am quoting. The same idea is formulated there by the Defendant Rosenberg with extreme clarity. I quote, "Economically, the German Reich must take all oil into its hands."

Your Honors, I shall not dwell in detail on the relations between the fascist conspirators and their other satellite, Finland, inasmuch as the witness, Buschenhagen, offered sufficiently conclusive evidence on this question; and the Tribunal has probably already got some definite ideas on the subject. I just want to remind the Tribunal that according to Paragraph 3, Section 2, of Plan Barbarossa, Finland was to cover the advance of the German landing of Group North, consisting of units of the 21st Group, which was due to arrive from Norway, and then to operate jointly with that group. According to Plan Barbarossa, the liquidation of the Russian forces at Hangö was also assigned to Finland.

I would also like to remind the Tribunal that Section 2 of the temporary Plan Barbarossa, which has been presented to the Tribunal by the American Prosecution as Document Number C-39, mentions Finland's participation in the war; as I have already reported to the Tribunal, the following sentence is to be found in this section, which corresponds to Page 52 of the document book.

"The preliminary negotiations with the Finnish General Staff have been under way since 25 May."

I should also like to invite your attention to the following paragraph of the same document, Page 58 of the document book:

> "Provision has been made for transportation from the Reich to Norway of one security division and 18 artillery battalions, and for transportation to Finland of one reinforced infantry division complete with army corps units. Of the units, one infantry division, two mountain divisions and the SS Group North are designated for Case Silver Fox.
>
> "It has been planned, on the outbreak of military operations, to bring by rail, through Sweden, a further division for the attack on Hangö."

I consider that I am now justified in stating that the date of 25 May 1941, indicated in the temporary Plan Barbarossa as the date on which the negotiations with the Finnish General Staff were opened, was incorrect. The indication of this date, which did not correspond to reality, was an attempt to disguise the preparations for aggression, presenting them to the outside world as preparations for a so-called preventive war.

In addition to the testimony of the witness, Buschenhagen, already given to the Tribunal, I shall now present, as Exhibit Number USSR-229 (Document Number USSR-229), the depositions of a former colonel of the German Army, Kitchmann, which I beg you to accept as evidence.

Kitchmann held the office of military attaché in the German Embassy at Helsinki since 1 October 1941. You will find this testimony on Page 130 of the document book. I shall read a very short extract therefrom into the record:

> "A long time before 22 June 1941, the German Government and the High Command of the German Armed Forces jointly carried out secret negotiations with the Finnish Government and the General Staff of the Finnish Army and prepared the attack on the Soviet Union. I learned about the preparation for the attack on the Soviet Union by the German and Finnish Armies under the following circumstances: On my arrival at Helsinki in October 1941, as acting German military attaché, I had numerous conversations with Major Von Albedill, the aide of the German military attaché who formerly served in the Military Attaché's Department in the OKH, General Staff of the Army.
>
> "Albedill acquainted me with the situation in Finland and its military and political background, since Major General Rössing, the military attaché, was seriously ill and receiving

treatment at the health resort of Merano in the Tyrol. In the course of these conversations Albedill told me that already in September 1940, Major General Rössing, acting on an order of Hitler and of the German General Staff, had organized the visit of Major General Taloela, Plenipotentiary of Marshal Mannerheim, to the Führer's headquarters in Berlin. During this visit an agreement was reached between the German and Finnish General Staffs for joint preparations for the attack and for warfare against the Soviet Union.

"In this connection General Taloela told me, during a conference at his staff headquarters in Aunus in November 1941, that he, acting on Marshal Mannerheim's personal orders, had—as far back as September 1940—been one of the first to contact the German High Command with a view to joint preparation for a German and Finnish attack on the Soviet Union."

I ask your permission to conclude herewith the presentation of the documents concerning the relations between fascist Germany and her satellite, Finland, since—I repeat—Buschenhagen's testimony has relieved me of this necessity.

I should like to make one brief résumé:

Buschenhagen's testimony disposes of all attempts to assert that the war waged by Finland was a separate war and was disassociated from the war aims of fascist Germany. Finland's entry into the war had been envisaged in the war plans of the fascist conspirators and corresponded to the aggressive intentions of the Finnish rulers. The Finns, like the other satellites of Germany, waged war in the hope of gaining whole regions and republics of the Soviet Union.

At the conference of 16 July 1941 Hitler spoke of the Finnish claims to Eastern Karelia, the Leningrad region, and the city of Leningrad. In proof of this fact I refer to Document Number L-221 presented by the United States Prosecution. The extracts quoted from this document will be found on the corresponding page of the document book, Page 141.

Romania and Finland were two German satellites discussed in full detail in Plan Barbarossa. The part these countries played in the plans of German fascism was determined not only by the desire to utilize their war potential—which without doubt was of some importance—but also by their geographical position as operational bases on the flanks of the Soviet Union.

The documents presented to the Tribunal bear witness to the fact that the inclusion of these countries in the preparation for attack against the U.S.S.R. had been carefully plotted by the fascist conspirators, in the same way as were all the preparations connected with Plan Barbarossa.

The third satellite of Germany, Hungary, is not mentioned at all in Plan Barbarossa. However, this certainly cannot be taken to mean that the participation of Hungary in the aggression against the Soviet Union had not been planned by the fascist conspirators.

I ask permission to refer to the testimony of Paulus—although he has already testified before the Tribunal—which formulates very clearly . . .

THE PRESIDENT: You aren't going to give us Paulus' affidavit over again, are you? We have already had Paulus' evidence in full.

GEN. ZORYA: Yes, I have already mentioned that this is on Page 182. It is the record of the interrogation of Paulus by General Rudenko. A copy of this record may be produced before the Tribunal now and, furthermore, it is on Page 143 of the document book.

THE PRESIDENT: We have got his actual oral evidence; we don't want his interrogation.

GEN. ZORYA: But I really need one particular paragraph of his testimony in order to show the connection between the subsequent documents relating to Hungary and the contents of my statement. It is just a few lines.

THE PRESIDENT: It must surely be cumulative, is it not?

GEN. ZORYA: That which was presented to the Tribunal, I could express in my own words, in two sentences.

THE PRESIDENT: Is it in any way different from what Paulus has already said?

GEN. ZORYA: Yes. Do forgive me! I have just been told that Colonel Pokrovsky has already read that extract into the record. I shall therefore merely give a very brief summary of the extract and then pass on to a further subject and shall not repeat myself.

I have in mind, on the one hand, those paragraphs of Paulus' affidavit which state that the leading factor of Hungary's policy was the full recognition of Germany's leading rule and that it was determined by two basic factors, that is, the aspiration to territorial conquests with the help of Germany and the fear of the growing power of Romania as Germany's ally; and, on the other hand, I have in mind that passage where Paulus states that Hitler was far more prudent in disclosing his plans to Hungary than to the other satellites, because he considered the Hungarians as garrulous. It is true that Paulus immediately adds, on Page 2 of his affidavit, that:

> "The essential reason was Hitler's unwillingness to give Hungary a chance of seizing the oil fields in the Russian oil district of Dragovitch."

Following the opening of the offensive against the Soviet Union, the Supreme Command of the Army, the OKH, issued an order to the 17th Army to seize Dragovitch prior to the arrival of the Hungarians.

Further, Paulus describes the circumstances of his negotiations with the Hungarians regarding armament supplies. This—all this—has already been mentioned by Colonel Pokrovsky. I wish only to refer to the fact that this testimony of Paulus' has undoubtedly lifted a corner of the veil of mystery shrouding the mutual relations between the German and Hungarian aggressors.

In this connection, I consider it imperative to return to the depositions by Ruszkiczay-Ruediger which are already at the disposal of the Tribunal. This document has been presented as Exhibit Number USSR-294.

Touching on the occupation by Hungary of the Transcarpathian Ukraine in 1939, Ruszkiczay-Ruediger testified—see Page 2, Paragraph 3 of the Russian text of the depositions which can be found on Page 101 of the document book. I quote the following—the quotation is underlined:

> "This took place not long before the outbreak of the German-Polish war. It then appeared as if economic advantages and a new liberation from the Trianon Treaty were, for Hungary, the primary objectives.
>
> "But from the time when the region of the Transcarpathian Ukraine acquired a common boundary with Soviet Russia, we began to attach a perfectly different significance to this region by military preparations concerning this area. It was clear to us, the high-ranking officers, that the political leadership both of Germany and Hungary also considered this region strategically important for future military operations against Soviet Russia."

On Page 9, Paragraph 2 from the bottom, Ruszkiczay-Ruediger tells us of a conference which took place at the end of March 1941, in the course of which the Hungarian Minister of War, Bartha, outlined the objectives of the war with Yugoslavia. Among these objectives Bartha pointed directly to the necessity of eliminating Yugoslavia as a possible ally of the Soviet Union.

However, a more complete picture of Germano-Hungarian relations, which were determined by the preparation of an attack against the Soviet Union, is contained in the statement by the Hungarian Major General, Esteban Ujszaszy. From 1 May 1939 to

1 July 1942, Ujszaszy was Chief of the Intêlligence and Counterintelligence Services of the Hungarian General Staff. In his official capacity during these years, he had inside information on the secrets which shrouded this preparation. Some of the things which he knew, he communicated to us in the document which I submit to the Tribunal as Exhibit Number USSR-155 (Document Number USSR-155). I ask you to accept this document as evidence.

I will read into the record that part of Ujszaszy's statement which may clarify the question at issue. Beginning from Page 2 of the Russian text—this corresponds to Page 149 of the document book—we find Section 2 entitled, "Preparation of Germany and Hungary for War against Soviet Russia." Paragraph 1 of this section is devoted to "Halder's letters." I quote:

> "In November 1940 the German military attaché in Budapest, Colonel Günther Krappe of the German General Staff, was received in audience by the Chief of the Royal Hungarian General Staff, Henry Werth. Krappe brought a letter from the Chief of the General Staff of the German Army, Generaloberst Halder.
>
> "In that letter Halder informed Werth that in the spring of 1941, 'Yugoslavia would have to be compelled, if necessary by force of arms, to adopt a definite position in order to exclude, at a later date, the menace of a Russian attack from the rear. In this preventive war, possibly against Yugoslavia and definitely against Soviet Russia, Hungary would have to participate if only in her own interests.'"

Werth replied that he agreed with Halder's concept but drew attention to the lack of equipment in the Hungarian Army, which, at that time, was not ready for war against Soviet Russia. His request, on the whole, was for the completion, by Germany, of Hungary's armaments. He was informed of Halder's letter and Werth's reply thereto, by General Werth in person. After that a Hungarian armament commission was invited to Berlin. It consisted of officer-specialists from the Main Ordinance Supply Division of the Royal Hungarian Ministry of Defense, and in December 1940 the commission left for Berlin. The Hungarian requests were as follows...

THE PRESIDENT: General, couldn't you pass on to December 1940, where Field Marshal Keitel invites the Hungarian Minister of Defense to come to Berlin. It is just a few sentences down.

GEN. ZORYA: Yes, I am passing on to this paragraph:

> "In December 1940, the Chief of the Supreme Command of the Armed forces (OKW), Field Marshal Wilhelm Keitel, invited the Hungarian Minister of Home Defense, General

> Carl Bartha, to come to Berlin in order to: a) discuss personally the problem of armaments; b) elaborate a plan of military and political collaboration between Germany and Hungary for the spring of 1941.
>
> "This invitation was transmitted to Budapest through the Royal Hungarian Military Attaché in Berlin, Colonel in the General Staff Alexander Homlok. At the same time, I received a similar invitation from Admiral Canaris, Chief of the Foreign and Defense Sections of the OKW."

I omit a long list given by Ujszaszy of persons who accompanied Bartha on his trip, and I read further from Page 151 of the document book:

> "The information which we received follows:
>
> "In the spring of 1941 the position of Yugoslavia will be clarified, the menace of a Russian Soviet attack in the rear eliminated.... For this purpose the Hungarian Honved Army, reinforced by the delivery of 10-centimeter field howitzers and with up-to-date tanks for a 'Mobile Brigade' will be ready for action. For the war against Russia, Hungary must make available 15 operational units (including 3 mobilized, cavalry, and Panzer units); she must also complete, by 1 June 1941, the erection of fortifications in Transcarpathian Russia, assist the advance of the German troops in the area adjacent to the Hungarian-Yugoslav and the Hungarian-Soviet frontiers and facilitate the deployment and the passage of supplies for the troops through Hungary. The details for the operational preparation will be determined later by representatives of the German General Staff about to be sent to Hungary. As a political compensation for her participation, Hungary will receive territory in Yugoslavia and in Soviet Russia (the ancient Principality of Halicz) and the land at the foot of the Carpathian Mountains, up to the River Dniester."

In March 1941 Eberhard Kienzl, a colonel of the German General Staff, visited Budapest. The purpose of this visit was to make final arrangements about the question of attack on Yugoslavia.

This is what Ujszaszy has to say on the matter—Page 5 of the Russian text, Paragraph 3, from the bottom of Page 152 of the document book:

> "The Colonel of the German General Staff, Eberhard Kienzl, detachment Foreign Armies East in the OKH (High Command of the Army), arrived in Budapest in March 1941 bringing with him a letter from Generaloberst Halder to Generaloberst Werth. This letter contained an insistent request on the part of Germany that Hungary should participate in the possible war against Yugoslavia by mobilizing the following army

corps: I. Budapest, II. Szekesfeherwar, III. Szombathely, IV. Pecs, V. Szeged, and in the war against Soviet Russia by mobilizing 15 operational units, including 1 cavalry division, 2 mechanized brigades, and 1 mountain (rifle) brigade.

"The letter announced the imminent arrival in Budapest of a German delegation, headed by Lieutenant General Paulus, for discussing combined operations and the deployment of German troops against Yugoslavia through Hungarian territory.

"In reply to this letter General Werth issued an invitation to the German commission, held out prospects of Hungary's participation in the war against Yugoslavia and of producing, for this purpose, 3 army corps, that is, the 1st, 4th, and 5th.

"Concerning the war against Soviet Russia, he agreed in principle, promising at least to mobilize the 8th Army Corps (Kressikosice) as well as the mechanized operation units demanded by Halder.

"I was informed personally about this exchange of correspondence by Colonel of the German General Staff, Kienzl."

THE PRESIDENT: General, speaking for myself, I cannot see that it makes the slightest difference to this Tribunal whether Hungary was going to put one army corps, or two army corps, or three army corps against the Russians. It was absolutely clear from what you have already read, if we are to believe it, that Field Marshal Keitel, in December 1940, was demanding that Hungary should put at Germany's disposal, for the war against Russia, certain units. What does it matter if subsequent negotiations alter the number of units?

It seems to me that this evidence which is given is entirely cumulative. It doesn't add anything in the least to what you have already given us, and you could go on to the next document, which is Number USSR-150 (Exhibit Number USSR-150). Everything up to there is simply the negotiations between members of the German and Hungarian General Staffs as to exactly what units of the Hungarian Army were to be used.

GEN. ZORYA: I quite agree with the President that the presentation of the documents on this question should be restricted.

THE PRESIDENT: The next one is 150?

GEN. ZORYA: The Ujszaszy document contains certain information pertaining not only to the number of units pledged by Hungary to Germany in case of war with the Soviet Union; but there is, for example, an indication as to what methods in the preparation for war were being used by the fascist clique in Hungary, in agreement with the Hitlerite conspirators. I consider it imperative to dwell on these methods, and that is why I request your permission to quote certain passages in this document.

What I now have in mind, for instance, is the falsification of the information regarding the number of Soviet units concentrated on the Hungarian-Russian border.

THE PRESIDENT: Please, go on.

GEN. ZORYA: Page 155 of the document book reads as follows:

> "My immediate superior, General Laszlo, as chief of the operational group ordered the second section of the General Staff to prepare a situation report according to which 14 Soviet Russian operational units were concentrated on the Hungarian border, including 8 motorized units. This situation report was prepared by Colonel Cornel Hidai, of Intelligence.
>
> "I should like to point out that according to subsequent explanations supplied by the second section of the Royal Hungarian General Staff, there were only four Soviet operational units actually concentrated on the Hungarian border. This circumstance I truthfully reported to Generaloberst Werth and General Laszlo, but the latter altered my truthful, objective report in accordance with his wishes."

Further, Ujszaszy speaks of plans for provocation drawn up by the militarist clique in Hungary for the purpose of creating incidents abroad to justify an attack on the Soviet Union. Ujszaszy states—Page 10, Line 4 from the top of the document, Page 157 of the document book:

> "These plans emanated from Lieutenant General Fütterer, from his assistant Lieutenant Colonel Frimond, and from General Laszlo. They proposed that, if necessary, German aircraft, camouflaged as Russian planes, should bomb the eastern border districts of Hungary, with bombs of Soviet Russian origin."

And finally, Ujszaszy describes the events of the few days preceding the attack on the Soviet Union—this is Page 11 of the document, Page 158 of the document book:

> "On 24 June 1941 (if I remember correctly), at 12:30 noon, I was informed that Soviet Russian planes were bombing Raho in Carpathian Russia and firing on trains in the vicinity with machine gun fire. On the same afternoon news reached us that Soviet Russian planes were bombing Kassá (Košice). The Crown Council, with the Regent in the chair, met on the same evening and, on the strength of Soviet Russia's provocation, decided to declare war on that country. I am convinced that the bombarding was carried out by German

planes with Russian markings. My conclusion was based on the following facts:

"a) Lieutenant General Fütterer and the German propaganda machine publicized this bombing on a very vast scale.

"b) Lieutenant General Laszlo immediately gave me orders, through the Propaganda Subsection of Section 2 of the Royal Hungarian General Staff, to obtain photographs of such fragments of the 'Soviet Russian bombs' as could still be found and to publish these photographs in the press of the fascist countries.

"c) Lieutenant General Fütterer, General Laszlo, and Lieutenant General Frimond spread, by a whispering campaign, the rumor that Slovakian pilots in Russian service had bombed Kassá (Košice). The excellence of the hits was explained by the fact that these pilots were well acquainted with the terrain."

This happened, according to Ujszaszy, on 24 June 1941, at 12:30 p.m. We have a document that establishes the fact that long before this date the participation of Hungary in the war against the Soviet Union had been decided. The document presented to the Tribunal and which contains the depositions of Ruszkiczay-Ruediger explains the reasons for the Hungarian assault on the Soviet Union. It may be that Ruszkiczay-Ruediger's viewpoint is not shared by everybody, but still, as it is the testimony of the Hungarian Deputy Minister of War, this statement can, of course, not be devoid of interest.

On Page 10 of the Russian text of his testimony, Ruszkiczay-Ruediger states that towards the end of May 1941 he received an order to supply, first of all, the troops concentrated in the Transcarpathian Ukraine; 2 days afterwards a secret meeting of the army corps commanders took place at the headquarters of General Werth, Chief of the General Staff, at which the forthcoming attack on the Soviet Union was announced.

I quote from the testimony of Ruszkiczay-Ruediger—Page 108 of the document book and Page 9 of the document itself. I am only quoting the passages underlined, in order to save time. I quote:

"... General of the Infantry Werth gave us an account of the military and political situation.

"It appears that an attack against the Soviet Union by Germany is forthcoming, in which Romania and Hungary will take an active part on the side of Germany."

Ruszkiczay-Ruediger further points out that:

"The decision to declare war was taken by the Council of Ministers, after Premier Bardossy and Minister Bartha had made their reports, and was ratified by the Crown Council. The question was not submitted to Parliament.

> "These decisions of the Council of Ministers and the Crown Council caused no surprise at all, and were the result of the voluntary military collaboration with Germany which had actually existed for many years past.
>
> "The Hungarian General Staff and the political leaders of Hungary as from the beginning of the aggression against Czechoslovakia, considered Germany as their mainstay in their plans of revision. Afterwards followed the occupation of Transcarpathian Ukraine and the strategic organization of this region as a military base in preparation for an attack on Soviet Russia."

Ujszaszy, in his report, mentioned the German military attaché in Budapest, Krappe. The former Lieutenant General of the German Army, Günther Krappe, was the German military attaché in Budapest from November 1939 to 30 April 1941. After that, Krappe commanded the 10th Corps of SS troops of the Army Group "Vistula," and was captured by Red Army units.

I request the Tribunal to accept in evidence a statement made by Krappe in January of this year and presented as Exhibit Number USSR-150 (Document Number USSR-150). It should be noted that the main circumstances mentioned in Krappe's statement coincide with those on Ujszaszy's report. I shall therefore read only a few excerpts from Page 4 of Krappe's document, corresponding to Page 165 of the document book:

> "In October 1940 I was ordered by the OKH to report on the conditions of fortifications in the region bordering Russia, that is, in the Carpathian Ukraine. The Chief of the Operations Section, Colonel Laszlo, informed me that, so far, there were only simple antitank obstacles in existence, varying in depth from 1 to 2 kilometers and that the construction of barracks for quartering troops had just begun. The necessary surveys for building concrete pillboxes along the border and the highways would be made during the winter and in the spring of 1941 it would be possible to proceed with the actual construction. It appeared to be a question of raising some 6 million pengö.
>
> "General Werth gave me permission to make an automobile trip through Munkac to Urzok Pass....
>
> "I communicated the results of the inspection trip and of the information obtained from Colonel Laszlo to Berlin. Some time later Colonel Laszlo informed me that the necessary sums for the building of these fortifications had already been allotted."

In order to save time, Your Honors, I shall briefly expose the remaining part of Krappe's testimony. An agreement was reached with the War Minister, Von Bartha, to organize war communications and war transports of the German Army in Hungary. In connection with this a special organization therefore arrived which was entrusted with these transports. At the same time, Your Honors, permission was received to establish jointly with the postal services, a special communication system for military needs, and, furthermore, a number of German officers were attached to the Hungarian Army for the interchange of experiences and instruction of the troops. Krappe states that as from December 1940, Hungarian industry was reorganized and worked for the increase of the German military potential. General Leeb, the Chief of the Armament Department, was in charge.

In concluding the presentation of documents concerning the setting up of an aggressive bloc against the Soviet Union by the fascist war criminals, I consider it necessary to make a few comments of a general nature as derived from these documents.

The fascist conspirators began to adopt immediate measures for securing the participation of Romania, Finland, and Hungary in the preparation for the predatory attack on the Soviet Union at least as early as September 1940, when a military mission was sent to Romania.

The negotiations concerning the military preparations for aggression against the Soviet Union, in each of these countries, were mainly concluded during the period September-December 1940. The negotiations were conducted by the general staffs of the German and the satellite armies. The subject of the negotiations in each case was of a purely military character, such as the retraining of the troops, the transportation of military units, the coordination of strategic plans, the deciding on the number of divisions needed to attack the Soviet Union, *et cetera.*

Such character of negotiations testifies to the fact that there existed between the fascist Government of Germany and the Governments of Romania, Finland, and Hungary, a preliminary agreement with regard to aggression against the Soviet Union even before the negotiations began.

And, finally, the documents submitted reveal that to each of these countries, one way or the other, the fascist conspirators had promised some territory belonging to the Soviet Union.

I should like to point out one more circumstance.

In order fully to grasp the consequences of the predatory fascist attack on the Union of the Soviet Socialist Republics, it is not enough to confine ourselves to Plan Barbarossa. This is a strategic plan, a plan for military attack, a plan for the beginning of aggression.

And close on the heels of the attack followed, as it is well known, the so-called "assimilation" and "organization" of the occupied territories. The plans for the "assimilation" and "organization," which were plans for the extermination of the peaceful civilian population and the plundering of the occupied territories of the Soviet Union, were also prepared in advance, in the same way as Plan Barbarossa.

The Soviet Prosecution declares that the documents at the disposal of the Tribunal, and especially such documents as the directive of 13 March 1941 (Document Number 447-PS), signed by the Defendant Keitel; the order for the application of military jurisdiction, dated 15 May 1941 (Document Number C-50), also signed by Keitel; the propaganda directive for Plan Barbarossa (Document Number C-26); and others, testify to the destruction not only of legal but of all moral standards of behavior by the hordes of the fascist usurpers on the temporarily occupied Soviet territories, this destruction having been premeditated and planned long before the attack on the Soviet Union.

Even before the attack on the Soviet Union, the Hitlerites had decided and outlined in appropriate paragraphs of these instructions, directions, and orders, the terroristic methods for dealing with the civilian population and the measures and means for plundering the land of the Soviet Union and reducing it to a colony of the Third Reich. And when war did break out and the whole secret was laid bare, the fascists did not hesitate to publish all these plans in their press.

I submit to the Tribunal as Exhibit Number USSR-59 (Document Number USSR-59), an article, published on 20 August 1942, in *Das Schwarze Korps,* an SS paper and organ of the Reich Führer of the SS. This article, entitled, "Should We Germanize?"—Page 180 of the document book—states openly:

> "The Reich Führer of the SS chose the following slogan for one of the editions of the newspaper *Deutsche Arbeit,* devoted to the problems of resettlement in the East:
>
> "Our duty in the East is not Germanization in the former sense of the term, that is, imposing the German language and the German laws upon the population, but to ensure that only people of pure German blood should inhabit the East."

This negation of Germanization is not new. However, falling from the lips of the Reich Führer of the SS, acting as Reich Commissioner for the strengthening of the Volkstum, it becomes an order. Such is the exact meaning of these words.

The rejection of the idea of germanizing the population of the occupied territories, and the assertion that the East should be inhabited only by people of pure German blood, signified, in practice, the mass extermination of Soviet citizens, their spoliation and their deportation to slave labor, the annihiliation of centuries of Russian culture, and the destruction of our cities and villages. I shall confine myself to what I have just said, as the same theme, or rather themes, have already been elaborated and will be presented to the Tribunal by my colleagues.

On 22 June 1941, after prolonged preparations, the German fascist hordes hurled themselves on the Soviet Union. One hundred and seventy divisions, concentrated on the borders of the Soviet Union from the Arctic Ocean to the Black Sea, started the invasion.

The military problems connected with the attack were formulated in Plan Barbarossa:

> "The German Army should be ready, even prior to the end of the war with England, to defeat Soviet Russia by operating with lightning speed.
>
> "To this end the Army will have to utilize all units at its disposal, with the sole reservation that the territories occupied must be adequately protected against all unexpected eventualities."

Plan Barbarossa foresaw the necessity of annihilating the Red Army, of cutting off the possible retreat towards the interior of all Red Army units still fit for battle and of permitting the German fascist invaders speedily to reach a line of combat which would place the land of Germany beyond the range of the Soviet Air Force.

As an ultimate aim, Plan Barbarossa provided for the strengthening of the Astrakhan-Archangel line, the destruction by bombardment of the Ural industries, the seizure of Leningrad and Kronstadt, and finally, the capture of Moscow.

THE PRESIDENT: Would that be a good time to break off?

[The Tribunal adjourned until 13 February 1946 at 1000 hours.]

FIFTY-EIGHTH DAY

Wednesday, 13 February 1946

Morning Session

THE PRESIDENT: Please continue.

GEN. ZORYA: Your Honors, yesterday afternoon I dwelt on the fact that Plan Barbarossa had foreseen the necessity of annihilating the Red Army, of excluding the possibility of a retreat into the interior of such Red Army units as were still capable of fighting, and of obtaining, by rapid action, a combat line for the German-fascist invaders which would place the regions of Germany beyond the range of the Soviet Air Force. The final aim, according to Plan Barbarossa, was fortification of the Astrakhan-Archangel Line, the destruction from the air of the Ural industries, the seizure of Leningrad and Kronstadt and, as a decisive finale, the capture of Moscow.

The political aims which determined the military plans were formulated by the Hitlerites in the many documents which were read into the record in this courtroom. But these aims were stated particularly clearly at the meeting in Hitler's headquarters on 16 July 1941. This document was presented by the United States Prosecution as Document Number L-221. You will find it on Page 141 of the document book. At this meeting Hitler, Göring, Rosenberg, Keitel, and other fascist conspirators were deciding, as they thought, the subsequent fortunes of the Soviet Union.

The Crimea, together with the adjoining regions of the Ukraine, the Baltic regions, the Bialystok Forests and the Kola Peninsula, were declared as "annexed" to Germany. The Volga colonies were also to become a part of the Reich. The Baku area was envisaged as a German military colony. Bessarabia and Odessa were to be handed over to Romania, while Finland was to acquire Eastern Karelia, Leningrad, and the Leningrad region.

As you well know, Your Honors, the Hitlerites always strove to prevent their real piratical aims from receiving publicity. At the same meeting at general headquarters, on 16 July 1941, Hitler, for instance, said that it was most important not to reveal their aims to the whole world, not to complicate their path by unnecessary declarations, and, when offering reasons for their actions, to ascribe them primarily to tactical intentions.

The Defendant Rosenberg stated, 20 June 1941, at a conference on the Eastern question—a record of which was presented by the

United States Prosecution as Document Number 1058-PS—that tactics were very important and that political aims would be determined as the occasion arose, when one slogan or another could be given publicity. This particular excerpt from Rosenberg's declaration you will find on Page 17 of the Russian text of the document, which corresponds to Page 201 in the document book.

Taking this circumstance into consideration, Your Honors, it appears of value for our investigation to refer to some statements by the fascist war criminals which refer to the period when they considered it possible to make public some of their political aims. In 1941-42 the fascist hordes broke through territories of the Soviet Union on an extensive scale and approached Moscow. Battles were waged on the banks of the Volga. The specter of a "Greater Germany" ruling the world appeared as a beacon before the eyes of the Hitlerite conspirators. It would appear that the opportunity had arrived about which Defendant Rosenberg spoke when, from the standpoint of the fascist criminals, it was possible that "certain political slogans could be made public."

I presented to the Tribunal, under Exhibit Number USSR-58 (Document Number USSR-58), a document from the archives of the Defendant Rosenberg's office relating to questions of German policy in the occupied regions of the Caucasus. Once again I ask you to refer to this document. I turn to Page 203 in the document book and Page 9 of the Russian text, which is the translation of this document.

Rosenberg, on 27 July 1942, solved the Eastern problem in this fashion, and I quote:

> "The Eastern problem consists in bringing the Baltic peoples under the influence of German culture and in preparing widely conceived military frontiers for Germany. The Ukrainian problem consists in securing food supplies for Germany and Europe and supplies of raw materials for the Continent.
>
> "The problem of the Caucasus is primarily a political task, and its solution means the expansion of continental Europe, under German leadership, from the Caucasian isthmus to the Near East."

On 27 November 1941 the Defendant Ribbentrop made a report on the international situation. The text of this report was published in Number 329-A of the *Hamburger Fremdenblatt.* I present this report as Exhibit Number USSR-347 (Document Number USSR-347).

Ribbentrop said in this report:

> "I should like to summarize the consequences of this defeat of Soviet Russia and of the occupation of the far greater part of European Russia in 1941, as follows:

> "First, from a military point of view, England's last ally on the Continent has thereby ceased to exist as a significant factor. Germany and Italy, with their allies, thus become unassailable in Europe. And powerful forces will be released.
>
> "Second, in the economic field the Axis powers, together with their friends, which means the whole of Europe, have achieved independence from countries overseas. Europe has once and for all been freed from the threat of blockade. The grain and raw materials of European Russia can fully cover the needs of Europe. Its war production will serve Germany's war economy and that of her allies, as a result of which Europe's war potential will increase, and increase more powerfully. The organization of this gigantic area is already in full swing.
>
> "Thus, the last two decisive prerequisites for the victory of the Axis and its allies over England have been created."

I shall take the liberty of presenting another document on this same subject. It is Goebbels' speech in Munich, published on 19 October 1942 in the main organ of the Nazi Party, the *Völkischer Beobachter*, South German edition. The text of this speech is presented to the Military Tribunal as Exhibit Number USSR-250 (Document Number USSR-250). That is on Page 205 in the document book. In his address Goebbels said:

> "Over and above that, we have captured the most important grain, coal, and iron ore producing regions of the Soviet Union. What the enemy has lost we now possess. And since what the enemy lacks has come to us, it is, according to Adam Riese, of double value. While in the past we were a people without space, this is today no longer the case. Today we have only to give a shape to this space conquered by our soldiers, to organize it, and render it useful to us; and this requires a certain period of time. But if the English were to contend that we have lost the war because we have lost time, then this contention will only prove how completely they have misunderstood the entire situation. Time only works against those who have no space and no raw materials. If we make use of our time to organize the space we have conquered, then time will work not against us, but for us."

Your Honors, that which Goebbels, the Defendants Ribbentrop, and Rosenberg said about exploiting the space captured by the soldiers, took on, at the OKW, the shape of plans for further aggression.

In this respect the following document—which I now submit to the Tribunal as Exhibit Number USSR-336 (Document Number USSR-336)—is of interest and I ask you to accept this as evidence. This document is a letter from the Staff of the German Navy to the commanding generals of Groups West, North, and South. This document was discovered in German archives by the Allied troops. The letter, which you will find on Page 209 in the document book, is entitled, "Objectives for the Further Conduct of War upon the Termination of the Campaign in the East." It is numbered 1385/41 and is dated 8 August 1941.

In those days the fascist conspirators considered that victory over the Soviet Union was really only a question of time; and they, therefore, planned for further aggression. This letter which I am about to quote begins with the following words:

> "The Naval Operations Staff has just received the draft about further intentions on termination of the campaign in the East.
>
> "The following declarations describe these intentions in broad lines and are only intended for the personal information of the commanding generals and the Chiefs of Staff."

There follows Part 2, Paragraph P, the eight subparagraphs of which detail the plans to be carried out on the termination of the campaign in the East.

I omit, Your Honors, the first two subparagraphs dealing with the tasks of the so-called pacification of the Occupied Eastern Territories and with the assignment to other fronts of troops which had become available.

Subparagraph 3 details the intentions of the fascist conspirators in North Africa. I quote:

> "Strengthening of the Armed Forces in North Africa with a view to rendering possible the capture of Tobruk. In order to guarantee the passage of necessary transports according to plan, attacks by the German Air Force on Malta should be resumed.
>
> "Provided that weather conditions cause no delay and the service of transports is assured as planned, it can be assumed that the campaign against Tobruk will begin in mid-September."

In August 1941 the Hitlerites intended, with the aid of fascist Spain, to seize Gibraltar during the same year. Subparagraph 4 of Part 2 of the letter just submitted to you envisaged that:

> "Plan Felix, that is, the seizure of Gibraltar with the active participation of Spain, must be executed in 1941."

The Hitlerites planned the execution of an attack against Syria and Palestine in the direction of Egypt. Subparagraph 5 of the above-mentioned letter states as follows:

> "If, once the termination of the campaign in the East has been made known, we succeed in bringing Turkey to our side, an attack on Syria and Palestine in the direction of Egypt is

> foreseen after a minimum period of 85 days for the preparation of the necessary forces and a preliminary securing of the Chersonese passes and an improvement of Anatolian transportation routes, through Turkey, with German help."

Two subparagraphs later, we find, in the same letter, in Subparagraph 8, a possible variation of this plan:

> "If, even after the defeat of Soviet Russia, it would still prove impossible to bring Turkey over to our side, a southward thrust through Anatolia would have to be carried out against her will."

Your Honors, in the plans of fascist aggression Egypt played a large part. It is mentioned in Subparagraphs 6 and 7 of Part 2 of the letter quoted. Subparagraph 6 mentions—I quote word for word:

> "An attack on Egypt from Cyrenaica, after the fall of Tobruk could probably not be carried out before the end of 1941 or the beginning of 1942."

Subparagraph 7 stated:

> "If the collapse of Soviet Russia creates the necessary conditions, an advance by a motorized expeditionary force through Transcaucasia, in the direction of the Persian-Gulf, and in the direction of Iraq, Syria, and Egypt is envisaged.
>
> "Because of weather conditions, this attack will only become possible at the beginning of 1942."

This document, which I have just presented to the Tribunal, shows the turn of events intended by the fascist conspirators had the Red Army not put an end to their aggression. The fascist aggressors hoped to destroy the Soviet Union in a lightning war, to seize her wealth, to subjugate the Soviet people, and, by these means, to open for themselves the road to world domination.

Now, Your Honors, I have come to the end of my presentation. In concluding the presentation of documentary evidence regarding the aggression of the fascist conspirators against the Soviet Union, may I ask the Tribunal's permission to sum up briefly as follows:

1. The criminal intent of attacking the U.S.S.R. for the purpose of plundering the Soviet Union and exploiting its riches for purposes of further German aggression was conceived by the fascist conspirators long before the actual launching of the attack.

2.. The military preparations for the attack on the Soviet Union were conducted by the fascist criminals for at least a year and embraced not only Germany, but also satellite countries, particularly Romania, Finland, and Hungary.

3. The execution of the criminal designs of the fascist aggression consisting of the extermination of the peaceful population, the

plunder of the Soviet Union, and the wresting of its territories, was planned long before the attack on the Soviet Union.

Fortunately for all freedom-loving nations in the world, the Union of the Soviet Socialist Republics, the Soviet people, and their Red Army completely overthrew all the fiendish plans of the fascist aggressors. The Red Army not only withstood and stopped the fascist aggression; but, together with the armies of its allies, brought Hitler Germany to complete catastrophe and the fascist war criminals to the dock.

I thus end my presentation, Your Honors.

COL. POKROVSKY: Your Honors, my task today is to present to you material on the "Criminal Violation of the Laws and Customs of War in the Treatment of Prisoners of War."

Before beginning the presentation of evidence relative to the overwhelming guilt of the defendants in regard to the persons who were captured by the German Army, I consider it essential to make a few brief remarks.

As early as the end of the last century, the Hague Convention of 1899 established certain rules regulating the rights and responsibilities of belligerents in regard to prisoners of war. In pursuance of the provisions of the 1899 Convention, a number of states drew up the necessary instructions concerning the treatment of prisoners of war. I would like to cite three or four sentences taken from such instructions:

> "The exclusive aim of the prisonership is to prevent the further participation of prisoners in the war.
>
> "A State may do everything necessary for the holding of prisoners, but nothing more....
>
> "Prisoners of war may be employed to perform moderate work in conformity with their social position....
>
> "In any case, such work must not be detrimental to health and must not be of a humiliating nature. It must not contribute directly to military operations against the native country of the prisoners....
>
> "Prisoners of war lose their freedom but retain their rights. In other words, military confinement is not an act of mercy on the part of the captor, but the right of disarmed persons."

It may surprise you to learn that the instructions cited are those issued by the German General Staff in Volume 18 of the circular published in 1902. The principle of humane treatment of prisoners and wounded servicemen was further developed in the Hague Convention of 1907 and the Geneva Convention of 1929.

Germany's adherence to these conventions was definitely reflected in the German law regarding wartime courts-martial. I have in mind, particularly, the German law of 17 August 1938, and, in particular, Part "e", Articles 73 and 75, which contain direct reference to the Convention of 1929. That was at a time when Hitlerite Germany had already begun the execution of her aggressive plans.

As the Tribunal will remember, the 23rd Article of the Hague Convention of 1907 states, "...it is forbidden...to kill or wound an enemy who, having laid down his arms and possessing no means of defense, has unconditionally surrendered."

It cannot be said that the brief code of the laws of war, which was, in fact, drawn up at The Hague and Geneva, encompassed the whole range of questions relating to the laws of war. The authors of these documents had, therefore, inserted the following proviso, and I will cite this excerpt:

> "Until the opportunity presents itself of issuing a more complete code of the laws of war, the High Contracting Parties"—and I would remind the Tribunal that Germany was one of those contracting parties—"consider it appropriate to affirm that, in cases not provided for in the rules established by them, the population and the belligerents remain safeguarded by the principles of international law insofar as these principles ensue from the customs, laws of humanity, and dictates of public conscience in force between civilized nations."

I should like to emphasize that in the appendix to the Convention on the Laws and Customs of Land War (Second Peace Conference, 1907), Article 4 of Chapter 2, concerning prisoners of war, states as follows—and you, Sir, will find the quotation on Page 4 of the document book, where it is underlined with red pencil:

> "Prisoners of war remain in the custody of the enemy government and not of the individuals or troops which had captured them.
>
> "They must be treated humanely.
>
> "All their personal belongings except arms, horses, and military papers, will remain in their possession."

It may, therefore, be considered definitely established that the governments of a number of states, including Germany, had unconditionally recognized their obligations to insure conditions under which prisoners of war should not suffer from arbitrary actions on the part of members of the Armed Forces of any state. The natural conclusion presents itself that in cases of violations of this obligation, the responsibility for any crime against a prisoner of war and especially for a definite system of crimes against the dignity, person, health, and life of prisoners of war, must fall on the government of the country which had signed the Convention.

In the light of the facts which I shall submit to you, on the basis of irrefutable documents, Germany's solemn undertakings in regard to prisoners of war will appear to be nothing but unparalleled and cynical mockery of the very conception of treaties, laws, culture, and humanity.

I present to the Court, as our Exhibit Number USSR-51 (Document Number USSR-51), a note submitted by Vyacheslav Mikhailovich Molotov, People's Commissar of Foreign Affairs of the U.S.S.R., dated 25 November 1941, concerning the outrageous atrocities committed by the German authorities against Soviet prisoners of war; and I quote several extracts from this note, which you will find on Page 5 of the document presented to you:

> "The Soviet Government is in possession of numerous facts testifying to the systematic outrages and atrocities committed by the German authorities against Red Army soldiers and against commanders of the Red Army. Lately these facts have become particularly numerous and have positively cried to high heaven, thereby revealing once again the German war machine and the German Government as a gang of bandits who utterly ignored all codes of international law and all laws of human ethics.
>
> "The Soviet Military Command is aware of numerous cases of the subjection of captured Red Army men, the majority of them wounded, to savage torture, ill-usage, and murder at the hands of the German Military Command and German military units. Captured Red Army men are tortured with bars of red-hot iron; their eyes are gouged out, their feet, hands, fingers, ears, and noses are hacked off, their stomachs ripped open, and they are tied to tanks and torn asunder. Enormities and shameful crimes of this sort are committed by German fascist officers and men along the whole front, wherever they may be and wherever men and commanders of the Red Army fall into their hands.
>
> "For example, in the Ukrainian S.S.R., on the Island of Khortitsa, on the Dnieper, after the German troops were forced to retreat by the Red Army, the bodies of captured Red Army soldiers who had been tortured by the Germans were found. The prisoners' hands had been cut off, their eyes gouged out, their stomachs ripped open. In a southwesterly direction, in the village of Repki in the Ukraine, after the Germans had retreated from the positions they had occupied, the bodies of Battalion Commander Bobrov, Political Officer Pyatigorsky, and two privates were found. Their arms and legs had been nailed to stakes, and on their bodies five-pointed stars had been cut with red-hot knives. The faces of

the dead men were cut and burnt. Near these bodies was found the body of a Red Army man whom the Germans had captured the previous day. His feet were burnt and his ears were cut off. When our units captured the village of Kholmy, on the Northwestern front, the mutilated bodies of Red Army men were found. One of these had been thrown into a bonfire. This was Private Adrei Ossipov of the Kazak S.S.R. At Greigovo Station (Ukrainian S.S.R.), German units captured a small group of Red Army men and kept them without food or drink for several days. A number of the prisoners had their ears slashed off, eyes gouged out, and hands cut off, after which they had been run through with bayonets. In July of this year, at Schumilino Station, German units captured a group of severely wounded Red Army men and put them to death on the spot. In the same month, in the vicinity of the town of Borisov, (Bielorussian S.S.R.), the Hitlerites captured 70 severely wounded Red Army men and poisoned them all with arsenic. In August, near the township of Zabolotye, the Germans captured 17 severely wounded Red Army men on the battlefield. For 3 days they gave them no food. The 17 men, their wounds still bleeding, were then tied to telegraph posts, as a result of which three of them died. The remaining 14 were saved from certain death by the timely arrival of a Soviet tank unit commanded by Senior Lieutenant Rybin. In the village of Lagutino, in the vicinity of Bryansk, the Germans tied a Red Army man to two tanks and tore him to pieces. At a point west of Bryansk, not far from the Collective Farm, 'Red October,' 11 charred bodies of men and officers of the Red Army captured by the fascists were found. The arms and back of one of these Red Army men bore traces of torture with a red-hot iron rod.

"There are a number of cases on record where the German Command has driven captured Red Army men in front of their advancing columns, during an attack, on pain of shooting. Such cases in particular have been registered in the vicinity of the Vybor State Farm, in the Leningrad region; in the vicinity of Yelna, in the Smolensk region; in the Gomel region of the Bielorussian S.S.R.; in the Poltava region of the Ukrainian S.S.R., and in a number of other places.

"Wounded and sick Red Army men in hospitals which fell into the hands of the German invaders were also systematically subjected to outrageous indignities, torture, and savage ill-usage. On innumerable occasions defenseless sick and wounded Red Army men in hospitals have been bayonetted or shot by the fascist fiends on the spot. Thus, at Malaya Rudnya, in the Smolensk Region, fascist German units captured a Soviet field hospital and shot the wounded Red Army men, and the male and female hospital attendants. Among the victims were Privates Shalamov and Asimov and Lieutenant Dileyev, who were wounded, and Verya Boiko, a 17 year-old hospital attendant, and others.

"There have been numerous cases of the abuse and violation of woman's honor when female hospital nurses and hospital workers fell into the hands of the Hitlerite invaders."

There are many similar facts in the same note. Then it continues:

"Marauding is rife among the men and officers of the Hitler army. When the cold winter weather sets in, marauding assumes a mass character, the Hitlerite robbers stopping at nothing in their quest of war clothing. They not only strip warm clothes and boots from the dead bodies of Soviet soldiers; but divest wounded men of literally all their warm clothing—felt boots, boots, socks, jerseys, quilted jackets, and warm caps—leaving them stark naked. They did not even stop at taking the women's warm clothing from killed or wounded hospital nurses.

"Red Army prisoners were starved to death; they were left without food for weeks or issued infinitesimal rations of moldy bread or rotten potatoes. Depriving the Soviet prisoners of war of food, the Hitlerites compelled them to rake the garbage cans for remnants of food which the German soldiers had thrown out or, as happened in a number of camps, including the camp at the hamlet of Malaya Korma (Bielorussian S.S.R.), they fling the carcasses of horses over the barbed wire fence to the Soviet prisoners of war. In the Vitebsk camp, in Bielorussia, the Red Army prisoners received almost no food at all for 4 months. When a group of Red Army prisoners sent to the German Command a written request for food to keep them alive, a German officer inquired as to who wrote the statement. Five Red Army men who affirmed that they had written it were shot on the spot.

"Similar cases of unbridled tyranny and brutality are to be observed in other camps, Shitkiv, Demyan, and others.

"The German authorities and the German Government have established a savage regime in the camps for Soviet prisoners of war, with the object of mass extermination of Soviet prisoners of war. The German High Command and the Ministry of Food and Agriculture have issued a regulation establishing a food ration for Soviet prisoners of war far inferior in quantity and quality to that for prisoners of war of other countries. For instance, this ration consists of 6,000 grams of bread and 400 grams of meat per month, which

> dooms the Soviet prisoners of war to a painful death from starvation.
>
> "While enforcing this disgraceful and obviously unlawful regime for Soviet prisoners of war with inhuman cruelty, the German Government is doing its utmost to conceal from the public the regulation it issued on this question. Thus, in reply to an inquiry made by the Soviet Government, the Swedish Government stated that the information concerning the aforesaid regulation of the German Government published in the European and American press was correct, but that the text of this regulation had not been published and was therefore not available."

The regulation which had not been available for the Swedish Government in the autumn of 1941 has now become available for the International Military Tribunal.

I assume that a very important circumstance is that these regulations were distributed through two channels: The High Command and the Nazi Party. In such a way, the extermination by starvation of the Soviet prisoners of war captured by the Germans had been planned and carried out both by the German High Command and by the Nazi Party.

I present to the Court these documents which were not available some time ago, as a heavy load on the scale of the Prosecution. On Page 17, Your Honors, you will find the document which has been cited by me. It bears the Document Number D-225 (Exhibit Number USSR-349):

> "High Command of the Army, Army Equipment and the Commander-in-Chief of the Replacement Training Army.
>
> "Berlin, 6 August 1941.
>
> "Subject: Food ration of Soviet prisoners of war.
>
> "The Soviet Union did not subscribe to the agreement of 27 July 1929, concerning the treatment of prisoners of war. Consequently we are not obliged to supply Soviet prisoners of war with food corresponding in quantity or quality to the requirements of this regulation. Taking the general food situation into consideration, the following rations for Soviet prisoners of war were established, which rations were considered adequate according to medical findings:
>
> "The ration in the camps for the prisoners of war (not employed on essential work) amounted to:
>
> "1. Bread, 6 kilograms; meat, 400 grams; fat, 440 grams; sugar, 600 grams, for 28 days.
>
> "2. For prisoners doing special work: Bread, 9 kilograms; meat, 600 grams; fat, 520 grams; sugar, 900 grams, for 28 days."

A similar regulation, headed, "Food Ration for Soviet Prisoners of War," was sent as secret information by the Chancellery of the Nazi Party on 17 December 1941. I shall quote only one sentence from that Party directive, which you will find on Page 18 of the document book:

> "An open discussion of the question regarding the food supply of the prisoners of war either orally or in writing is forbidden because of the possibility of enemy propaganda."

Furthermore, the authors of the document emphasize that there is no danger of any substantial deterioration of the food supply of "our German people." I consider that the hint is sufficiently clear. The document was distributed to the High Command of the Army, to the commands of corps areas, to the military authorities in Bohemia and Moravia, and to military commissioners in a number of cities.

The fascist conspirators established particularly low rations for men of the Red Army. On the basis of their own estimates the monthly ration for Soviet prisoners of war was 42 percent in regard to fats, 66 percent in regard to sugar and bread and 0 percent in regard to meat, as compared with the amount of food provided for prisoners of war from other armies fighting against Germany. Moreover, there was a special note in the directive itself. You will find the special note on Page 19 of the document book:

> "If the ration for non-Soviet prisoners of war is reduced, the ration for Soviet prisoners of war must be lowered accordingly."

But even these starvation rations, which could not sustain the life of an adult person, more often than not existed only on paper.

I present another document to the Tribunal as Exhibit Number USSR-177 (Document Number USSR-177)...

THE PRESIDENT: Colonel Pokrovsky, I do not think it matters very much, but when you said "0 percent" in regard to meat, when you were dealing with the percentage, was that correct? Because in setting out the amount of food which they were allowed, or were supposed to be allowed, there was 400 grams of meat for ordinary men and 600 grams of meat for other men doing special work, and I do not see how 400 grams can be 0 percent of the ration allowed to other non-Soviet prisoners.

COL. POKROVSKY: You are quite right, Sir. I have the same figures here, but there is no contradiction here at all. I am reporting to the Tribunal now that there were several directives, and the first one appears to be the best for the Soviet prisoners of war. It states that 400 grams of meat was the ration. The next directive, which established the percentage of food supply for the Soviet prisoners of war and others, shows 0 percent. As far as I understand it, if there was not meat for all of the prisoners of war, the Soviet prisoners would not receive any meat at all.

THE PRESIDENT: I see. Then you say that the words "on the basis of their own estimates" are referring to some estimates other than the estimate which you give. It does not matter about that, but I understand you to say that there are other estimates which show they did not give them anything. Please proceed.

COL. POKROVSKY: You are quite right, Sir.

I present to the Tribunal one more document dealing with the same question. That is Exhibit Number USSR-177. You will find it on Page 21 of your document book. This is a record of a conference of the Reich Ministry of Food (REM) under the direction of State Secretary Backe and Ministerial Director Moritz. The document is dated 24 November 1941, 1630 hours. Among those who took part in the conference were representatives of various departments, in particular General Reinecke—probably the Tribunal will remember that it was Reinecke who headed that particular phase of the work dealing with the prisoners of war—and Ministerial Director Mansfeld. The subject under discussion was the supply of food to Russian prisoners of war and civilian workers. I quote—Page 21 of your document book:

"1. Types of food.

> "Attempts to produce a special Russian bread have proved that a useful mixture consists of 50 percent rye bran, 20 percent residue of sugar beet, 20 percent cellulose flour and 10 percent flour made of straw or leaves.
>
> "Meat not usually employed for human consumption can never sufficiently satisfy a demand for meat. Russians must, therefore, be fed entirely on horse flesh and on the meat of animals which had not been adequately slaughtered and which, at present, is issued in double quantities on the ration cards.
>
> "With the present technique of fat production, inferior fats no longer exist; the Russian will, therefore, receive good edible fats."

These derisive words can scarcely pass unnoticed. Russian prisoners of war, who had been receiving "meat not usually employed for human consumption," were now receiving on their starvation rations only "meat which is today issued in double quantities on ration cards"; and instead of fats they were to get certain substances which can only be used for food because of "the present technique of the fat production." And these products are called "good edible fats."

The second part of the document is entitled "Rations." I quote; the part being cited by me is on Pages 21 and 22 in your document book:

> "Since there is a great discrepancy among the estimates of the present experts of the Health Administration, the Reich Office of Public Health, and the Army Medical Inspectorate as to the necessary caloric requirements, a final decision concerning the ration will be made in the course of the week by a smaller circle of experts. Seven days of flour soup as a transition diet and cancellation of the words 'without work' are from now on decreed for such Russians as are at present in German camps.
>
> "III. The number of Russians whom the Reich Ministry of Supply can supply with food."

I should note here that this sentence means, "The number of Russians whom the Reich Ministry of Food (REM) can provide has now been established."

> "State Secretary Backe was noncommittal in answer to persistent questioning by General Reinecke and Ministerial Director Mansfeld."

It seems to me useful to point out that there is on the document a note in pencil to the effect that:

> "It is requested to follow up the matter of the rations because State Secretary Backe is, apparently, beginning to lose his nerve."
>
> The signature is illegible.

It seems to me that this note vividly discloses the arguments that were going on over establishing a norm. Not by accident does it speak here of the wide discrepancy in the estimates concerning necessary caloric requirements of the experts of the Reich Health Administration and the Army Medical Inspectorate. As the Tribunal will remember, the witness Blaha testified in reply to my questions that almost all prisoners of war who died of starvation in the Dachau Camp were men of the Red Army. I shall submit evidence showing that the Dachau Camp was not an exception in that respect.

On 27 April 1942 the People's Commissar for Foreign Affairs of the U.S.S.R. was forced to submit a new note. I present this note in our exhibit under Number USSR-51 (Document Number USSR-51). You will find the place I am referring to on Page 13 in your document book where it is marked in red pencil for your convenience. I quote:

> "The Soviet Government now has at its disposal many hundreds of new documents confirming the bloody crimes committed against Soviet prisoners of war, dealt with in the

note of the Government of the U.S.S.R. dated 25 November 1941.

"It has been incontrovertibly established that the German Command, desiring to take revenge for the defeats inflicted on its army in the last few months, has everywhere introduced the practice of physical extermination of Soviet prisoners of war.

"Along the entire length of the front, from the Arctic to the Black Sea, bodies of slain Soviet war prisoners and tortured war prisoners have been discovered. In almost every case these corpses bear traces of the horrible torture which precedes murder. In dugouts from which Red Army troops have driven the Germans, in fortifications, and also in populated centers, bodies of Soviet prisoners are found who have been murdered after savage torture. Facts like the following, recorded in affidavits signed by eye witnesses, are being uncovered with increasing frequency.

"On 2 and 6 March 1942, on the Crimean front, in the Lilly region at 66.3, village of Jantora, the bodies of nine Red Army men who had been taken prisoner were found so brutally tortured by the fascists that only two of the corpses could be identified. The nails had been drawn from the fingers of the tortured prisoners of war, their eyes had been gouged out and the right breast of one corpse had been completely cut out; there were traces of torture by fire, numerous knife wounds, and broken jaws.

"In Theodosia scores of bodies of tortured Azerbaijanian Red Army men were found. Among them were Ismail-Zadch Jafarov, whose eyes had been gouged out and ears slashed off by the Hitlerites; Kuli-Zadch Alibekov, whose arms had been dislocated by the Hitlerites, after which he had been bayonetted; Corporal Ali Ogly Islom-Mahmed, whose stomach had been ripped open by the Hitlerites; Mustafa Ogly Asherov, who had been bound to a post with wire and died of his wounds in this position."

And then, in the same note, is cited:

"In the village of Krasnaperovo, (Smolensk region) attacking units of the Red Army found 29 dead and two naked bodies of captured Red Army men and officers, none of whom had a single bullet wound. All the prisoners had been knifed to death. In the same district, in the village of Babaevo, the Hitlerites placed 58 captive Red Army men and two women ambulance workers in a haystack and then set fire to the hay. When the people who had been doomed to death attempted to escape from the flames, the Germans shot them.

"In the village of Kuleshovka, the Germans captured 16 severely wounded men and officers, stripped the prisoners, tore the dressings from their wounds, tormented them with hunger, stabbed them with bayonets, broke their arms, tore open their wounds, and subjected them to other tortures, after which those who were still alive were locked up in a house, which was then set on fire.

"In the village of Strenevo of the Kalinin region, the Germans locked 50 wounded captive Red Army men in a school building and burnt them to death.

"In the town of Volokolamsk the invaders forbade Red Army men who had been locked on the fifth floor of house Number 3/6 Proleterskaja Street to leave the house when a fire broke out. Those who attempted to leave or to jump from the windows were shot. Sixty prisoners perished in the flames or were killed by bullets.

"In the village of Popovka (Tula region), the Germans drove 140 captive Red Army men into a barn and set fire to it. Ninety five perished in the flames. Six kilometers from Pegostye Station, in the Leningrad region, the Germans, in the course of their retreat, under pressure of the Red Army troops, used explosive bullets to kill over 150 Soviet war prisoners after frightful beatings and savage torture. On most of the bodies the ears had been slashed off, the eyes gouged out, and the fingers chopped off, while several had had one or both hands hacked off and their tongues torn out. Stars had been cut out on the backs of three Red Army men. Not long before the liberation of the town of Kondrovo, Smolensk region, by units of the Red Army in December 1941, the Germans executed over 200 Red Army prisoners of war whom they had taken through the city, naked and barefoot, to the outskirts, shooting on the spot those who were exhausted and unable to walk any further, as well as those local citizens who gave them bread on their way through the city."

THE PRESIDENT: We will adjourn now for 10 minutes.

[A recess was taken.]

COL. POKROVSKY: In their desire to exterminate as many Soviet prisoners of war as possible, the Nazi conspirators excelled themselves by inventing newer and ever newer methods of extermination. The note states:

"Of late a number of new cases have been established in which the German Command made use of Soviet war prisoners for clearing mine fields and for other hazardous work. Thus, in the district of the villages of Bolshaja and Malaja Vloya, for 4 days the Germans drove scores of prisoners lined up in close ranks, back and forth over a mine field. Every day several prisoners were blown to pieces by mines. Provision is made for this method of killing prisoners in the orders of the German Command. Order Number 109 to the 203rd Infantry Regiment states:

" 'General Field Marshal Rundstedt, Commander-in-Chief of the Army, has ordered that apart from military operations, the search for mines and the clearing of mine fields be done by Russian prisoners, with a view to sparing German blood. This also refers to German mines.' "

The marauding mentioned in the previous note is regarded not only as something possible, but is proclaimed as obligatory to all the soldiers of the German Army. The People's Commissar refers to the following documents issued by the German Command, in stressing the fact that this marauding, done in wintertime, doomed the Red Army men to freeze to death:

"An order of the Staff of the 88th Regiment of the 34th German Infantry Division, headed 'Situation with Respect to Clothing,' imposed: 'Boots should be removed from Russian prisoners of war without hesitation.'

"That this order is not an accidental one is seen from the fact that even before the perfidious attack on the U.S.S.R., the German Command provided for recourse to this system of supplying its troops.

"Among the documents of the 234th Infantry Regiment of the 56th Division, a circular was found numbered 121/4 and dated 6 June 1941, bearing the heading, 'On the Principles of Supply in the Eastern Areas.' This circular states on Page 8:

" 'You must not count on being furnished clothing. Therefore it is particularly important to remove serviceable boots from prisoners of war and to make immediate use of all suitable clothing, underwear, socks, et cetera.' "

The note points out:

"The Germans, with a view to exterminating Soviet prisoners of war, deprived them of food, condemned them to slow starvation and in some cases used a bad quality food. Soviet authorities have in their possession Order Number 202 of the Staff of the above mentioned 88th Regiment, which states:

" 'Carcasses of horses will serve as food for Russian prisoners of war. Such points where carcasses of horses have been dumped are designated by signs. They can be found along the highways in Malo-Yaroslavets and in the villages of Romanovo and Beloussovo.'

"Order Number 166/41 to the 60th Motorized Infantry Division is quite outspoken in demanding the mass murder of Soviet prisoners of war. This order states:

" 'Russian soldiers and noncommissioned officers are extremely courageous in battle. Even small isolated units are always ready to attack. Therefore no humane attitude towards the prisoners is permissible. The destruction of the enemy by fire or by cold steel must be continued until he is rendered completely harmless....'

"The regulations issued by the German Command on the treatment of Soviet war prisoners, under Number 1/3058, contain the following instructions:

" 'At the slightest sign of insubordination energetic and direct action must be taken. Arms must be used ruthlessly. Bludgeons, canes, and whips must not be used. Leniency, even towards obedient and hard-working prisoners only indicates weakness and must not be indulged in.' "—from Point 2.

" 'At work the distance to the prisoner must always be such as to permit of immediate recourse to arms.' "—from Point 3.

"All this proved to be insufficient. The Order of the High Command of the German Army, dated 14 January 1942 and issued in the name of Hitler as Commander-in-Chief, states" —Paragraph 2:

" 'All clemency or humaneness towards prisoners of war is strictly condemned. A German soldier must always make his prisoner feel his superiority.... Every delay in resorting to arms against a war prisoner harbors danger. The Commander-in-Chief of the Army hopes that these directions will be fully carried out.'

"The Soviet Government continues to receive reliable information on the condition of captive Red Army men in the German-occupied territories of the U.S.S.R. as well as in the German rear, and in the German-occupied European countries. This information testifies to the further deterioration of the regime instituted for captive Red Army men, and that they are particularly bad off in comparison with the war prisoners of other countries. It further testifies to the mass dying of Soviet prisoners of war from starvation and illness, from foul indignities and bloody cruelty systematically applied to the Red Army men by the Hitlerite authorities who have

> long since violated the most elementary requirements of international law and human ethics."

The note specially stresses the fact that the inhuman atrocities and the cruelty perpetrated by the German fascist gangsters against the Soviet war prisoners exceed the atrocities of Genghis Dhenghis-Khan, Baty, and Mamay.

In spite of that the note, which you will find on Page 14 of the document book, states:

> "... In spite of all that, the Soviet Government, true to the principles of humanity and respect for its international obligations, has no intention, even in the given circumstances, of applying retaliatory repressive measures against German prisoners of war, and continues, as heretofore, to observe the obligations undertaken by the Soviet Union with regard to the regime for war prisoners specified by the Hague Convention of 1907, which was likewise signed but so perfidiously violated in every one of its points by Germany."

Later I shall quote a document written by a group of German prisoners of war. The authors of the document, on one hand, by a series of new facts, have added to the number of atrocities committed by the conspirators against the Soviet war prisoners; and on the other hand, they have confirmed that the Soviet Command is true to the principle of humanity in its attitude towards the German captives.

The military victory of the democratic powers opened the innermost secrets of Hitler's archives. Along with a large number of documents that raise the curtain on the criminal plans of the conspirators, we have also obtained a wide opportunity of interrogating living witnesses. A whole series of questions become finally clear as, and when, the witnesses' depositions are being cross-checked with the documentary archives. Much new evidence has also been received by us on the subject of the crimes against the prisoners of war.

Some information with regard to the criminal Hitlerite practice of exterminating the Soviet prisoners of war appeared as of 27 April 1942, in the official communication of V. M. Molotov, People's Commissar for Foreign Affairs in the U.S.S.R.

I shall here prove that this crime was part of the general conspiracy and was planned in advance of the aggressive war against the Soviet Union. The Tribunal will see that the regime for war prisoners was really the sum total of diverse methods for their extermination. Let us turn to the testimony of the witnesses.

The former Chief of Staff of the OKH, Franz Halder, interrogated on 31 October 1945, testified—I submit to the Tribunal an excerpt from this document, Exhibit Number USSR-341 (Document Number USSR-341):

> "Witness: 'Prior to the attack on Russia, the Führer called a conference of all the commanders and persons connected with the Supreme Command on the question of the forthcoming attack on Russia. I cannot recall the exact date of this conference. I no longer know whether it took place before or after the invasion of Yugoslavia. At this conference the Führer stated that the methods used in the war against the Russians will have to be different from those used in the war against the West.' "

I beg your pardon, I have forgotten to tell you that the place which I quoted from was on Page 24 of your document book.

> "Investigating Officer: 'What else did he say?'
>
> "Witness: 'He said that the struggle between Russia and Germany is a Russian struggle. He stated that since the Russians were not signatories to the Hague Convention, the treatment of their prisoners of war does not have to follow the articles of the Convention.' "

DR. NELTE: Your Honor, Generaloberst Halder is in the military prison here at Nuremberg, and he is a very important witness not only to the testimony at hand but also in general. And I believe, according to our principles, which have been formulated by the High Tribunal in connection with Article 21 of the Charter, it might be important to hear this witness personally rather than use written testimony; and I ask the Tribunal to decide this question.

THE PRESIDENT: Colonel Pokrovsky, did you wish to make any answer to Dr. Nelte's request?

COL. POKROVSKY: With the permission of the Tribunal, I will submit to him my consideration in this case.

The testimony of Halder is of importance to us in one respect only, namely, that he states the fact of a special conference called by Hitler before the war; a conference at which the question of the treatment of Russian prisoners of war attracted particular attention. This fact also finds confirmation in other testimonies which were submitted by us to this Tribunal; and, therefore, I think that there is no reason and no need for examining this witness, since this interrogation may cause further delay as it will refer to this question only and the German Defense Counsel may ask unnecessary questions. In case the German Defense Counsel would consider it advisable to request the Tribunal to bring witness Halder here for cross-examination, it should be proper for the Defense to submit to the Tribunal, in accordance with established procedure, an application and explain for what reason it wants to cross-examine Witness Halder. The Tribunal would then have occasion to discuss this application and to grant it should they deem it proper to do so.

That is all I wanted to point out concerning this question.

[There was a pause in the proceedings while the Judges conferred.]

THE PRESIDENT: The Tribunal considers that if the interrogation of General Halder is to be used, and it has been used, that General Halder must be brought for cross-examination, provided it is true that he is in Nuremberg.

When a witness is called he is liable to cross-examination and the only reason for allowing interrogations to be used is on account of the difficulty of bringing witnesses to Nuremberg. Therefore, if an interrogation is allowed to be used and the witness is in Nuremberg, the witness must be produced for cross-examination. I mean, of course, at a time which is convenient to Counsel.

Colonel Pokrovsky, if this witness, General Halder, is in Nuremberg, you will have him brought here at a time which is convenient to you during the presentation of your case.

COL. POKROVSKY: With the permission of the Court, we will finally find out where Halder is at the present time and, if he is really in Nuremberg, he will be produced as a witness.

THE PRESIDENT: Very well.

COL. POKROVSKY: We must here note a common fascist lie. Hitler was intentionally misrepresenting facts. That the Soviet Union had pledged to follow the statutes of the Hague Convention is generally known. Even the criminal code of the Soviet Union provides for the defense of the rights of prisoners of war, in accordance with international law, and those guilty of violations are considered criminally responsible. The note of the People's Commissar for Foreign Affairs in the U.S.S.R., Mr. V. M. Molotov, on 27 April 1942, once again mentions the obligations of the Hague Convention which the Soviet Union had pledged to follow. To that note I have already referred.

Continuing, I shall again quote from Halder's deposition concerning Hitler's speech. You will find it on Page 24:

> "Furthermore, he"—Hitler—"said that in view of the political level of the Russian troops"—at this point several dots follow in the original—"to be brief—he said that the so-called commissars should not be considered prisoners of war."

It is impossible not to remark here that, owing to the superior political consciousness of the Red Army soldiers, the Hitlerites saw a commissar or a communist in almost every prisoner of war. Then there is recorded the following question of the investigating officer and the reply to it:

> "Investigating Officer: 'Did the Führer say anything about an order which should be issued on the subject?'
>
> "Witness: 'What I have just said was his order. He said that he wanted it carried out even if no written order followed.' "

After Halder's deposition, in the document book on your table, there is an extract from the deposition of the former Deputy Chief of the Operations Section of OKW headquarters, General Warlimont, dated 12 November 1945. He was testifying on oath before Lieutenant Colonel Hinkel of the American Army. This document is the result of work accomplished by our American colleagues. The American Prosecution has kindly placed this document at our disposal, which we in turn submit to the Tribunal as Exhibit Number USSR-263(a) (Document Number USSR-263(a)). I think the Defense Counsel wishes to submit another request to the Tribunal. I therefore cede my place.

DR. NELTE: Mr. President! Regarding General Warlimont, we have the same reasons which I just mentioned regarding Generaloberst Halder. General Warlimont is also present in Nuremberg and is at your disposal for examination in the court. Concerning the importance...

THE PRESIDENT: What do you want to request now?

DR. NELTE: My application consists in the request to disallow the use of the document which the Soviet Prosecutor has just wished to read out loud, and to direct that the witness, Warlimont, now present in Nuremberg, be called as a witness.

THE PRESIDENT: The Tribunal has just ruled that the interrogation of General Halder may be used, but if it is used—and it is being used—he must be submitted for cross-examination by counsel for the defendants. What more do you want?

DR. NELTE: I am not speaking about Generaloberst Halder but about General Warlimont.

THE PRESIDENT: I thought we had already ruled upon General Warlimont; that he had to be called—that is, only yesterday or the day before.

DR. NELTE: I believe that this ruling has escaped the memory of the Soviet Prosecutor, otherwise he would not be reading this document out loud but would be introducing General Warlimont to the Court in person.

THE PRESIDENT: I think the ruling of the Tribunal was that the Prosecutor should be entitled to use the interrogation, but if he did so, he must submit the witness for cross-examination. Therefore, the Soviet Prosecutor is entitled to read the interrogation and General Warlimont will then be produced for the purpose of cross-examination.

DR. NELTE: Is he obliged to do this or may he use his own discretion?

THE PRESIDENT: I suppose he might use his own discretion and call the witness if he wanted to and not put in the interrogation.

You see, Dr. Nelte, the position of the Tribunal is this. If the prosecuting counsel chooses to call the witness and not to use the interrogation, of course, he calls the witness, examines the witness, and the witness is liable to cross-examination by Defense Counsel. If, on the other hand, the prosecuting counsel wishes to use the interrogation, which he already has, he can do so; but if the witness is available in or near Nuremberg, he must still be produced for cross-examination.

The discretion which Counsel for the Prosecution has is as to whether they use an interrogation which they already have or call the witness. But in either case, the witness, if he is here, must be produced for cross-examination.

DR. NELTE: The witnesses, Generaloberst Halder and General Warlimont, are both in Nuremberg and at our disposal. I merely wish to know whether the date when he is to be presented depends on the discretion of the Chief Prosecutor. We are interested in the possibility of holding the cross-examination when the Prosecution has read out the written statement.

THE PRESIDENT: I thought that was a matter you might settle with the prosecuting counsel as to whether you wish to cross-examine him directly after the interrogation has been presented or after a short delay. If I were to say that he is to be cross-examined immediately after the interrogation has been put in probably Defense Counsel would say he wanted time to consider the interrogation. But you can surely settle that with Colonel Pokrovsky.

DR. NELTE: Then I will deal with Colonel Pokrovsky on this matter. Thank you.

COL. POKROVSKY: I take the liberty of starting from the point where I broke off. We now present to the Tribunal Exhibit Number USSR-263(a), consisting of the minutes of the interrogation, under oath, of the witness, Warlimont, given to Lieutenant Colonel Hinkel of the American Army. I do not intend to read this document into the record in full. Warlimont, in many cases, repeats Halder. The important thing is that he confirms two facts in their entirety:

(1) That it was Hitler who conducted the meeting of which we were informed by Halder's testimony. (2) That, even before the war, Hitler had issued a directive to shoot prisoners of war; pointing out that special units were to be created for this purpose and that the SD would follow the Army.

Warlimont further testified—I quote, and Your Honors will find the excerpt which I quote on Page 26:

> "He"—that is Hitler—"further said that he did not expect the officer corps to understand his orders, but he demanded that they obey his orders unconditionally."

We have some more testimonies, those of Lieutenant General of the German Army, Kurt von Österreich. He was the former Commander of the Prisoner of War Section of the Danzig Military District. He personally handed his testimonies to the representatives of the Red Army on 29 December 1945. His testimonies, registered as Exhibit Number USSR-151 (Document Number USSR-151), are contained in your document book. I shall read certain excerpts into the record:

> "I began my work as Commander of the Prisoner of War Section at the headquarters of Military District XX (Danzig) on 1 February 1941.
>
> "Prior to that I was the commanding officer of the 207th Infantry Division, located in France.
>
> "It was towards March 1941 that I was summoned to Berlin to attend a secret meeting at the headquarters of the OKW. This conference was conducted by Lieutenant General Reinecke, then Chief of Headquarters' Prisoner of War Section.
>
> "Over 20 chiefs of the district prisoner of war sections from various regions attended this conference, as well as several staff officers of the headquarters. I cannot, at present, remember the names of these officers.
>
> "General Reinecke told us, as a great secret, that a tentative invasion of the Soviet territory had been planned for the beginning of summer 1941 and that in this connection the OKW had elaborated essential measures, including the preparation of camps for Russian prisoners of war expected after the beginning of operations on the Eastern front."

I omit 3 paragraphs and shall go on to several details of greater importance:

> "On this occasion he ordered us to construct open air camps surrounded only by barbed wire in such cases where there

> would be no time to construct roofed-in barracks for the Russian prisoners.
>
> "Moreover, Reinecke gave us instructions as to the treatment of Russian prisoners of war, directing us to shoot without any warning those prisoners who might attempt to escape."

In my opinion, the next two long paragraphs can be omitted in order to save time.

> "After some time"—I pass on to Page 28 of your document book—"I received a directive from the headquarters of the OKW confirming Reinecke's instructions to shoot without any warning all Russian prisoners attempting to escape. I do not now remember who signed this directive."

The witness further testifies how he was called, either towards the end of 1941 or the beginning of 1942 to a conference in Berlin of the military district chiefs on prisoner-of-war affairs. The conference was conducted by Major General Von Graevenitz.. The question under discussion was what to do with those Russian prisoners of war who were unable to work as the result of wounds or exhaustion. I think it might be useful to quote a few lines. They are on Page 29 in your document book:

> "On the proposal of General Von Graevenitz this question was discussed by several officers present, including doctors, who stated that such prisoners of war unable to work should be concentrated in one place—either in camp or in hospital—and killed by poisoning. As a result of this discussion General Von Graevenitz ordered us to murder war prisoners incapable of work, using for this purpose the camp medical personnel."

The witness asserts that when he arrived on duty in the Ukraine in the summer of 1942, he learned there, as he says—you will find these two lines on Page 29, "A method of murdering Russian prisoners of war by poisoning is already adopted there."

The witness quotes actual figures, actual facts connected with this crime. I think it important to note a reference to this fact quoted on the fourth page of the Russian text, third paragraph from the top, on Page 29 of your document book:

> "When I was in the Ukraine I received from headquarters a top-secret order signed by Himmler, directing that, as from August 1942, Russian war prisoners must be branded with a special mark.
>
> "Russian war prisoners were kept in concentration camps under severe conditions, were poorly fed, subjected to moral outrages, and died of hunger and disease."

Österreich names facts which confirm this testimony. The following episode is revealingly characteristic. I quote the second paragraph of the fifth page; it is on Page 31 in your document book:

> "In the beginning of 1942 when an echelon of Russian war prisoners was being moved from the Ukraine to the city of Torun, approximately 75 people died there, the corpses of whom were not taken away but left in the railway car together with the living.... About 100 prisoners of war who could not bear these conditions and tried to escape were shot."

These and similar cases are known to the witness. He enumerates them, but I do not think it is necessary to cite all of them to the Tribunal. They are all alike.

THE PRESIDENT: Please, proceed.

COL. POKROVSKY: Thank you. I thought the members of the Tribunal were deliberating. I, therefore, interrupted my report. Thank you.

Österreich also speaks about directives which provide for the shooting of all political commissars of the Red Army, Communists, and Jews. Such an arrangement practically opened the way for the extermination of any Soviet prisoner of war under the pretext that he was suspected of belonging to the Communist Party or if he looked like a Jew.

In rounding up General Österreich's testimony it is necessary to quote a sentence mentioned, as I believe, by the Commander-in-Chief, General Field Marshal Von Reichenau, in "The Conduct of the Army in the East." I submit this document to the Tribunal as our Exhibit Number USSR-12 (Document Number USSR-12). This quotation is on Page 33 in your document book, "Supplying the civilian population and the prisoners of war with food is a misunderstood humanitarian act as well as . . ." I submit to the Military Tribunal this despicable directive of Hitler's Field Marshal and request it be accepted as evidence. This document is registered under Number USSR-12.

Three of Hitler's high-ranking officers confirmed that even at the beginning of the war, at a special conference...

THE PRESIDENT: Could you tell us if this order was issued by Field Marshal Von Reichenau? By the general himself?

COL. POKROVSKY: The order is signed by General Field Marshal Von Reichenau.

THE PRESIDENT: Was it captured or what?

COL. POKROVSKY: This document was one of the trophies captured by the Russian Army.

THE PRESIDENT: By the Russian Army?

COL. POKROVSKY: By the Russian Army.

THE PRESIDENT: Thank you.

COL. POKROVSKY: Three of Hitler's high-ranking officers have confirmed that already at the beginning of the war the question of exterminating Soviet prisoners of war was settled during a special conference. They—the witnesses—differ slightly in detail, but the fact itself has been quite definitely established. The sentence which I quoted from the directive of Field Marshal Reichenau also confirms that even the supply of food to the soldiers of the Red Army taken prisoner by the Germans was considered as "unnecessary humanity."

It is useful perhaps to submit to you Document Number 884-PS (Exhibit USSR-351). It bears the signature of Warlimont and a postscript by the Defendant Jodl. The document was drawn up at the Führer's headquarters on 12 May 1941. It said, "OKH had submitted the draft of a directive dealing with the treatment of responsible political workers and similar persons." You have this quotation on Page 35 in the document book, as well as the two following excerpts which I am going to quote.

The draft foresaw the "removal" of persons of this category. The decision whether a prisoner of war falls into the group "to be removed" is up to the officer. The document states; "By an officer with authority to impose punishment for breach of discipline." Thus, any junior officer was endowed with powers of life and death over any captured Red Army soldier, regardless of his rank or service. Paragraph 3 of this document states:

> "Political commissars of the army are not recognized as prisoners of war and are to be liquidated, at the latest, in the transient prisoner-of-war camps. No evacuation to the rear areas."

The Defendant Jodl added the, for him, characteristic postscript—you will find it on Page 37 of the document book:

> "We must reckon with possible reprisals against German airmen. It would, therefore, be better to consider all these measures in the nature of reprisals."

General Österreich's testimony concerning the existence of the order to brand Soviet prisoners of war is fully confirmed. I submit to the Tribunal, as Exhibit Number USSR-15 (Document Number USSR-15), Order Number 14-802/42, given by the Chief of Gendarmerie of the Vice Governor in the Region of Styria. It is stated in the order that it is a question of disclosing the order of the Chief of Police. The first paragraph of the order of the chief of the regular police states—the paragraph quoted is on Page 38 of the document book:

> "1. Soviet prisoners of war are to be branded with a special and lasting mark.
>
> "2. The brand is to consist of an acute angle of about 45 degrees with a 1-centimeter length of side, pointing downwards on the left buttock, at about a hand's width from the rectum. This brand is to be made with the lancets available in all military units. Indian ink is to be used as coloring matter."

The third paragraph underlines that, "Branding is not a sanitary precaution."

It is stated in Paragraph 5 that, together with all Soviet prisoners of war now entering the regions of the Baltic States, the Ukraine, and the province of the Governor General commanded by the German Armed Forces, all the remaining prisoners of war in the area of the Supreme Army Command (OKW) up to September 1942 are to be subjected to branding.

The same directive was issued to the presidents of the regional labor offices and the Reich Inspectors for Allocation of Labor. In this Document Number 1191-PS, Page 40 of the document book, it is stated that the order of the OKW, dated 10 July 1942, was brought to the attention of the presidents of regional labor offices and to the Reich Inspectors for Allocation of Labor.

Our documents numbered USSR-121, 122, and 123 are excerpts taken from orders issued by the German military authorities, such as regimental and divisional commanders, and confirm that the prisoners of war, in order to "spare German blood," were forced to clear mine fields and carry on work which endangered their lives. Order Number 16641 of the 60th German Infantry Division states, in explanation of the bestial treatment of the Soviet warriors:

> "Russian soldiers and noncommissioned officers are very brave in battle. Even a small isolated unit will always attack. In this connection a humane attitude towards the prisoners is not permissible."

This quotation is on Page 44 in the document book.

THE PRESIDENT: We have had that already, have we not, or an almost identical one?

COL. POKROVSKY: You are right, Sir, I quoted this excerpt as a part of the note of the Commissar of Foreign Affairs, Molotov; and now I quote it as part of a special German document. I consider that it is an unprecedented event in history when, instead of respecting an enemy for his military valor, the senior officers of

Hitler's army, in reply to such military valor, ordered their subordinates to treat this same enemy ruthlessly and inhumanly.

In the document submitted to you as Number 3257-PS (Exhibit Number USSR-352), there is a sentence directly relating to my theme. It has been read into the record. Document 3257-PS is a secret report of the Armament Inspector in the Ukraine, dated 2 December 1941, and addressed to the Chief of Armament Section of the OKW. It states—the excerpt quoted is at the end of Page 45 and the beginning of Page 46 of your document book:

> "Living conditions, food, clothing conditions, and the health of the prisoners of war are bad; mortality is very high. We may reckon on the fact that during this winter people will perish at the rate of tens and even hundreds of thousands."

I submit a document under Document Number D-339 (Exhibit USSR-350). The chief camp and factory physician, Jäger, having inspected the camp in Naeggerath Street, informed the medical department of the Central Administration of Camps, in a top-secret medical report on 2 September 1944—you will find the excerpt quoted on Page 47 of your document book—as follows:

> "The prisoner-of-war camp in Naeggerath Street is in an atrocious condition. The men live in dustbins, in kennels, in ovens no longer used, and in huts made by themselves. Food is barely sufficient. Krupp is responsible for shelter and the food supply. Medicine and bandages were so scarce that in many cases medical treatment was completely impossible. The blame for this appalling state of affairs rests on the permanent camp."

In the files of the Defendant Rosenberg was found, among other documents, one numbered Document 081-PS (Exhibit USSR-353). As far as we can understand, it is a letter from Rosenberg to Keitel, dated 28 February 1942, on the subject of the prisoners of war. A copy found in Rosenberg's files is unsigned, but there is no doubt that such a letter was either addressed to Keitel or prepared for dispatch to the chief of the Armed Forces. The letter states that the fate of the Soviet prisoners of war in Germany is a tragedy on an enormous scale.

I will now read into the record the second sentence of the fifth paragraph of the Russian text—you will find it on Page 48 of the document book:

"Out of 3,600,000 . . . "

THE PRESIDENT: I think the United States read this letter, did they not?

COL. POKROVSKY: The document has been partially read, but I would ask permission to read part of a short excerpt a second time, since it is of importance to my further report. It will, quite literally, only take a minute and a half of our time.

THE PRESIDENT: Colonel Pokrovsky, we have been preventing other prosecuting counsel from reading documents which have already been read and we are directed by the Charter to conduct an expeditious trial; and I do not really see how it can be expeditious if documents are read more than once.

COL. POKROVSKY: This document, which is already known to the Tribunal, presents a very clear picture of what happened in the camp. The author of this letter states that attempts had been made by the population to supply the prisoners with food but that in most cases the attempts were foiled by the energetic opposition of the camp commanders.

There is no reason to suspect the author of that letter of piling on the agony, or of having any liking for the Soviet people. On the contrary, there is every reason to state that the question has not yet been fully elucidated. This document, addressed by one defendant to another, enables us to imagine the acts that took place in the camps for Soviet prisoners of war.

I began by presenting to you documents of German origin, and this with a definite aim in view. After you have been informed of the attitude of the Hitlerites themselves towards the Soviet prisoners of war and as soon as you have learned however briefly, what the camps for the Soviet prisoners looked like from the words of the Hitlerites themselves, it will be easier for you to estimate the probative value of the documents of non-German origin.

I stop, because it seems to me the Tribunal wants to adjourn.

THE PRESIDENT: Perhaps that would be a convenient time to adjourn.

[The Tribunal recessed until 1400 hours.]

Afternoon Session

THE PRESIDENT: Colonel, the Tribunal proposes to adjourn at half past four this afternoon, as they have some administrative work to do.

COL. POKROVSKY: I return to the report of the Extraordinary State Commission of the Soviet Union for the investigation of atrocities committed by the German fascist invaders in Smolensk and in the region of Smolensk. The greater part of this report is dedicated to the mass annihilation of prisoners of war by the Germans. I should like to read into the Record excerpts from this document, submitted to you as Exhibit Number USSR-56 (Document Number USSR-56), Page 6, Paragraph 4 from the top; you will find it on Page 58 of our document book. It reads as follows:

> "The German fascist invaders systematically exterminated the wounded and captured Soviet citizens. Physicians A. N. Smirnov, A. N. Glasunov, A. M. Demidov, A. S. Pogrebnov, and others, formerly interned in the war prisoners' camp, stated that on the road from Vyasma to Smolensk the Hitlerites shot several thousand people.
>
> "In the autumn of 1941 the German occupational forces drove a party of prisoners of war from Vyasma to Smolensk. Many of the prisoners were unable to stand, as a result of continuous beating and exhaustion. Whenever the citizens attempted to give any of the prisoners a piece of bread, the German soldiers drove the Soviet citizens off, beat them with sticks and rifle butts, and fatally shot them. On the Bolshaya Sovetskaya Street, on the Roslavskoye and Kievskoye high roads, the fascist blackguards opened a disorderly fire on a column of prisoners of war. The prisoners attempted to escape, but the soldiers overtook and shot them. In that way nearly 5,000 Soviet people were fatally shot. The corpses were left lying about the streets for several days."

It is not difficult to see that this extract fully coincides with the statement in Document Number 081-PS, which has already been read into the Record, the contents of which I once before related to the Tribunal very briefly and in my own words.

We are completing the document only by factual evidence. On the same Page 6—which corresponds to Page 58 of the Document Book—two lines lower down, it is said:

> "The German military authorities tortured the prisoners of war. On the way to Smolensk and especially at the camp, the prisoners were killed by tens and hundreds. In Prisoner-of-War Camp Number 126, the Soviet people were subjected to

torture; sick people were sent to heavy labor; no medical assistance was rendered. The prisoners in the camp were tortured, forced to do work beyond their strength, shot. About 150 to 200 people died every day of torture, by starvation, typhus and dysentery epidemics, freezing to death, exhausting work, and bloody terror. Over 60,000 peaceful citizens and prisoners of war were exterminated in the camp by the German fascist invaders. The facts of the extermination of the imprisoned officers and men of the Red Army and of the peaceful citizens were confirmed by the testimony of physicians imprisoned in the camp; Smirnov, Shmouroff, Pogrebnov, Erpoulov, Demidov, hospital nurses Shubina and Lenkovskya, and also by Red Army soldiers and inhabitants of the city of Smolensk.

"Thousands of prisoners of war were shot in the camp under the directions of Sonderführer Eduard Gyss.

"Sergeant Gatlyn brutally avenged himself on the prisoners. Being aware of the fact, they tried to keep out of his way. So Gatlyn dressed in the uniform of a Red Army soldier, mixed with the crowd, and, having picked himself a victim, would beat him half dead.

"Private Rudolf Radtke, a former wrestler from the German circuses, prepared a special lash made of aluminum wire, with which he beat the prisoners black and blue. On Sundays he would come to the camp drunk, throw himself on the first prisoner he met, torture and kill him.

"Emaciated and exhausted Soviet invalids were forced by the fascists to work at the Smolensk power plant. Many occasions were observed when prisoners, worn out by starvation, would collapse under the strain of work beyond their strength and were immediately shot by Sonderführer Szepalsky, Sonderführer Bram, Hofmann Mauser, and Sonderführer Wagner.

"There was, in Smolensk, a hospital for prisoners of war; Soviet doctors working at that hospital stated: Up to July 1942, the patients lay unbandaged on the floor. Their clothes and bedding were covered not only with dirt but with pus. The rooms were unheated and the floors of the corridors coated with ice."

A report of a medico-legal examination is appended, Your Honors, to the statement of the Extraordinary State Commission which I have just quoted. Experts such as Academician Burdenko, member of the Extraordinary Commission, Dr. Prosorovsky, chief medico-forensic expert of the People's Commissariat for the Care of Public Health in the Union of the Soviet Socialist Republics, Doctor of Medical Sciences, Smolianov, Professor of Forensic Medicine at the Second Moscow Medical Institute, and other specialists, conducted—from 1 to 16 October 1943—numerous exhumations and medico-legal autopsies on the corpses in Smolensk and the vicinity of Smolensk. A great many mass graves were opened which contained the corpses of such persons who had been killed during the German fascist occupation. The number of corpses which were found in these graves was between 500 and 4,500 at each place where such mass executions took place.

I shall read into the Record only such excerpts from the findings of the experts' investigation as have a direct bearing on my subject. You will find the paragraph which I am now quoting on Page 61 of your document book, corresponding to Page 9 of our Exhibit Number USSR-56 (Document Number USSR-56).

> "The corpses found in the pits were for the most part either partially or completely naked, or else clothed in worn-out underwear; only in the minority of cases did the bodies disinterred wear clothes or military uniforms."

It is stated in Paragraph 2 on the next page of the Document Number USSR-56—page 62 of the document book—Paragraph 2:

> "Identity documents were found in 16 cases only—3 passports, 1 Red Army book, and 12 military identity 'medallions.' By 'medallions' I mean the small tube-like cases, not unlike a needle case in appearance, issued to each soldier in the Red Army. A document giving the soldier's name, his father's name, surname, and rank, together with his home address, is slipped into this tube.
>
> "In some cases partly preserved articles of clothing and tattoo marks alone could help in establishing the identity of the deceased."

This circumstance confirms the fact that the Germans endeavored to make the identification of their victims impossible, as demanded in special German directives. The first paragraph on Page 11 of Document Number 56, corresponding to your Page 63 in the document book, says:

> "The autopsies performed on corpses taken from graves in the area of the large and small concentration camps at Plant 35, of the former German hospital for prisoners of war, of a sawmill, and of concentration camps near the villages of Becherskaya and Rakytna, revealed that, according to the data of the autopsies, death in an overwhelming majority of cases could be ascribed to hunger, starvation, and acute infectious diseases.
>
> "An objective proof of death from starvation, over and above the total absence of all subcutaneous fatty tissues, as disclosed

> during the autopsies, was the discovery, in a number of cases, of grassy substances, remains of rough leaves and plant stalks in the abdominal cavity."

On the same page, but rather lower down, in Paragraph 4, we read:

> "The considerable number of burial-pits opened (87), filled with masses of corpses, together with the estimated differences in the time of burial, differences ranging from the second half of 1941, 1942, and 1943, testify to the systematic extermination of Soviet citizens.
>
> "The victims, in an overwhelming majority of cases, were men and men mostly in the prime of life, that is, between the ages of 20 and 40."

Somewhat lower, on the same page:

> "Special attention was attracted by the fact that the exhumed corpses, with few exceptions, regularly lacked footwear. Clothing, too, was absent, as a rule, or consisted of worn-out underwear or parts of outer garments. The natural conclusion drawn from these facts is that the removal of clothes and footwear of any value had become the usual and officially recognized procedure preceding the extermination of Soviet citizens."

In conclusion, the commission deals with the means of extermination, that is, shooting, asphyxiation by gas, and so forth. All this is not new to us and it is not necessary at present to read this part of the conclusion.

In our document, Exhibit Number USSR-6(c) (Document Number USSR-6(c)), minutes are quoted from the report of the medico-legal experts as well as the findings of the board of medical experts. We find them on Pages 9, 10, 11, and 12 of the document. I shall set forth, in brief, the contents of the minutes and shall quote a few words from the findings. According to the minutes, the Hitlerites had set up a large camp for prisoners of war in the town of Rawa-Ruska, 52 kilometers northeast from the city of Lvov. In this camp a large number of Soviet and French prisoners of war were interned, and there they perished; they were shot, died of infectious diseases, or starved to death. The commission of medico-legal experts opened up a large number of graves. Some of these graves had been camouflaged by green shrubs and grass. A considerable number of bodies unearthed were dressed in military or semi-military clothing. In some cases identity medallions of Red Army soldiers were discovered inside the clothes. The ages of the prisoners whose bodies were recovered from the graves ranged from 20 to 40 years.

It is said in the findings—the extract quoted is on Page 70 of the document book:

> "The data of the autopsies performed on the exhumed bodies justify the conclusion that bodies of Soviet prisoners of war had, in effect, been buried in the forementioned graves. The burial was on a mass scale. The bodies were placed in each grave at a rate of 350-400 corpses (the grave measuring 7 by 4 meters), in layers, one layer on the other. The bodies were buried in the clothes they had worn at the time of death. The absence of footwear on all the corpses indicates that the Soviet prisoners, when alive, were kept unshod or else that their footwear was removed after death. The prisoners were interned in appallingly unsanitary conditions, since all the clothing found was vermin-infested. Judging by the clothes, death, in the majority of cases, must have occurred during the cold season of the year. Nevertheless, practically no warm clothing was found on any of the bodies. To escape the cold, the prisoners of war had dressed in two or three sets of summer uniforms, had wrapped themselves up in sacking, towels..."

I omit a few sentences from this statement and wish to read into the Record the part dealing with the total number of corpses. It is on Page 70 of your document book:

> "The number of graves (36), their size, and the number of bodies discovered justify us in believing that from 10,000 to 12,000 bodies of Soviet prisoners of war were buried in this area. The degree of their decomposition points to the fact that the corpses had been buried underground for about 3 years, that is, the time of burial must be placed somewhere in the late autumn or in the winter of 1941-1942."

A special section of the report of the Extraordinary State Commission of the Soviet Union for the determination and investigation of atrocities committed by the German fascist invaders in the city and region of Orel—which I submit to the Tribunal as Exhibit Number USSR-46 (Document Number USSR-46)—records the mass extermination of prisoners of war carried out over a long period of time.

The prisoner-of-war camp was set up in the city jail of Orel. After the Hitlerite invaders had been driven from Orel, the Extraordinary Commission was able to secure the testimony of doctors who had been in this camp and who had fortuitously escaped with their lives. Included in this report are the personal observations of a member of the Extraordinary State Committee, Academician Burdenko, who personally examined people liberated by the Red Army from the camp, from the camp premises, and from the so-called camp hospital. The general conclusion is that in the camp of

Orel and in others the Hitlerites bodily exterminated the Soviet people with characteristic German thoroughness.

The prisoners received 200 grams of bread and a liter of soup made from rotten soy beans and moldy flour. The bread was baked with an admixture of sawdust. The camp administration, doctors included, treated the prisoners atrociously. I should like to quote a few excerpts from the report of the commission, and I shall start from Paragraph 5, Page 2 of the document, which you will find on Page 72 of the document book:

> "The camp commander, Major Hoffmann, flogged the prisoners and forced persons exhausted by hunger to carry out heavy manual work in the local quarries and in the unloading of ammunition.
>
> "Boots and shoes were taken from the prisoners and replaced by wooden clogs.
>
> "In the winter these clogs became slippery and the prisoners, when walking, and especially when going up to the 2d and 3rd floor, would slip on the stairs and be lamed."

Dr. H. I. Zvetkov, a former inmate of the prisoner-of-war camp, testified as follows. I quote, and you will find the excerpt quoted on Page 72 and at the beginning of Page 73:

> "I can only describe the attitude of the German Command towards the prisoners of war, during my stay in the camp at Orel, as one of deliberate extermination of manpower in the person of the prisoners. The food ration, which at best contained a maximum of only 700 calories, led, when work was hard and beyond their strength, to complete exhaustion of the organism (cachexia) and to death....
>
> "Despite our categorical protests and our struggle against this mass murder of the people of the Soviet, the German camp doctors, Kuper and Beckel, maintained that the diet was perfectly satisfactory. Moreover, they denied that the oedemata from which so many of the prisoners suffered were due to starvation and quite calmly ascribed the condition entirely to heart or kidney troubles. The very mention of the term 'hunger oedema' was forbidden in the diagnosis. Mortality in the camp assumed mass proportions. Of the total number of persons murdered, 3,000 died of starvation and of complications arising from malnutrition.
>
> "The prisoners lived in indescribably appalling conditions. The overcrowding was incredible. Fuel and water were completely lacking. Everything was infested by vermin. From 50 to 80 people were crammed into a ward 15 to 20 square meters in size. Prisoners would die at the rate of five or six per ward, and the living would have to sleep on the dead."

It is further said that a particularly terrible regime existed for those included in the category of recalcitrants. They were put into a special building, named the death block. The inmates of this block were shot on schedule, five to six persons being taken to execution every Tuesday and Friday. The German physician Kuper was one of those present at the shootings. Academician Burdenko established that in the so-called hospital people were exterminated in the same manner as in the rest of the camp.

In the penultimate paragraph, on Page 3, we read—members of the Tribunal will find this passage on Page 73 of the document book:

> "The scenes which I had to witness defy all imagination. My joy at the sight of the liberated people was marred by the fact that their faces bore an expression of utter stupor. This made me think, 'What is the matter here?' Evidently the sufferings they had undergone erased from their minds all distinction between life and death.
>
> "I observed these people for 3 days and bandaged their wounds while moving them from the camp, but the mental stupor remained. Something similar could also be seen on the faces of the doctors during the first few days.
>
> "People perished in the camp from disease, starvation, and floggings. In the so-called 'hospital' prison they died of wound-infection, sepsis, and starvation."

On the 2d day of May 1945, there was captured in Berlin a member of the SS, Paul Ludwig Gottlieb Waldmann. The son of a shopkeeper, Ludwig Waldmann, he was born in Berlin on 17 October 1914. From information received, his mother, up to the time of his capture, was living in the city of Brunswick, Donnerburweg 60.

He testified personally to facts known to him regarding the mass extermination of Soviet prisoners of war. He witnessed these exterminations while working as a driver in different camps and himself participated in the mass killings. His testimony is on Page 9 of Exhibit Number USSR-52 (Document Number USSR-52), entitled, "Camp Auschwitz." He provides more detailed information on the murders in the camp at Sachsenhausen.

Towards the end of summer 1941, the Sonderkommando of the Security Police in this camp exterminated Russian prisoners of war daily for a whole month. Paul Ludwig Gottlieb Waldmann testified—you will find the excerpt I am quoting on Page 82—that:

> "The Russian prisoners of war had to walk about one kilometer from the station to the camp. In the camp they stayed one night without food. The next night they were led away for execution. The prisoners were constantly being transferred from the inner camp on three trucks, one of which was

driven by me. The inner camp was approximately one and three-quarters of a kilometer from the execution grounds. The execution itself took place in the barracks which had recently been constructed for this purpose.

"One room was reserved for undressing and another for waiting; in one of them a radio played rather loudly. It was done purposely so that the prisoners could not guess that death awaited them. From the second room they went, one by one, through a passage into a small fenced-in room with an iron grid let into the floor. Under the grid was a drain. As soon as a prisoner of war was killed, the corpse was carried out by two German prisoners while the blood was washed off the grid.

"In this small room there was a slot in the wall, approximately 50 centimeters in length. The prisoner of war stood with the back of his head against the slot and a sniper shot at him from behind the slot. In practice this arrangement did not prove satisfactory, since the sniper often missed the prisoner. After 8 days a new arrangement was made. The prisoner, as before, was placed against the wall; an iron plate was then slowly lowered onto his head. The prisoner was under the impression that he was being measured for height. The iron plate contained a ramrod which shot out suddenly and poleaxed the prisoner with a blow on the back of the head. He dropped dead. The iron plate was operated by a foot lever in a corner of the room. The personnel working in the room belonged to the above-mentioned Sonderkommando.

"By request of the execution squad, I was also forced to work this apparatus. I shall refer to the subject later. The bodies of prisoners thus murdered were burned in four mobile crematories transported in trailers and attached to motor cars. I had to ride constantly from the inner camp to the execution yard. I had to make 10 trips a night with 10 minutes' interval between trips. It was during these intervals that I witnessed the executions. . . ."

It is a long way from these individual murders to the death factories of Treblinka, Dachau, and Auschwitz, but the tendency, the line of action are identical. Methods and extent of the killings varied. The Hitlerites endeavored to discover ways and means for the rapid mass extermination of human beings. They spent much time on the solution of this problem. To realize their ambition they began to work on the solution even prior to their attack on the Soviet Union by inventing different implements and instruments of murder, while peaceful inhabitants and prisoners of war alike ended up as victims of Hitler's executioners.

I present to the Tribunal the report of the Extraordinary Commission on the German atrocities in the Lithuanian Soviet Socialist Republic. This is Exhibit Number USSR-7 (Document Number USSR-7). Here, as in other places, the mass extermination of Soviet prisoners of war formed part of the savage plan of the fascist aggressors. I shall quote a few sentences from Page 6 of this document. In your copy it is marked with pencil, on Page 86 of the document book:

> "In Kaunas, in Fort Number 6, there was a camp, Number 336, for Soviet prisoners of war. The prisoners in the camp were subjected to cruel torture and insult, in strict accordance with the inhuman 'directions to the supervisors and escorts attached to labor detachments.' The prisoners of war in Fort Number 6 were doomed to inanition and death from starvation.
>
> "The witness, Medishevskaja, informed the Commission: 'The prisoners of war were terribly starved; I saw them pluck grass and eat it.'"

I omit a few sentences and read on:

> "At the entrance to Camp Number 336, there still exists a board with the following inscription in German, Lithuanian, and Russian: 'All those who maintain contact with prisoners of war, especially those who try to give them food, cigarettes, or civilian clothes, will be shot!'
>
> "There was in the camp at Fort Number 6 a 'hospital' for prisoners of war which in reality served as a point of transfer from the camp to the grave. The prisoners of war thrown into this 'hospital' were doomed to death.
>
> "According to monthly statistics of sickness among the prisoners of war in Fort Number 6, from September 1941 to July 1942, that is, over a period of 11 months only, the number of dead Soviet prisoners amounted to 13,936."

I shall abstain from reading the list of graves opened; I shall merely quote the sentence indicating the sum total of the graves, "All told, 35,000 prisoners of war were buried in these graves, according to the camp documents."

Besides Camp Number 336, in the same town of Kaunas, there existed another, unnumbered camp on the southwestern border of the airfield. It is stated, in connection with this camp, that:

> "As in Fort Number 6, starvation, the lash, and the truncheon reigned in this camp. Exhausted prisoners of war, no longer able to move, were carried out every day beyond the precincts of the camp, placed alive in previously prepared pits, and covered with earth."

The last three lines of the left column, on Page 6 of the Document Number USSR-7—Page 86 of your document book—state as follows:

> "The records, documents, and testimonies of witnesses enabled the commission to establish that here, within the precincts of the airfield, nearly 10,000 Soviet prisoners had been tortured to death and buried."

The report mentions one more camp, Number 133, near the town of Alitus, and a few more which had been established in July 1941 and existed up to April 1943. In these camps the prisoners froze to death. When unloaded from the railway coaches, such prisoners of war who were unable to walk were shot out of hand. The remaining prisoners were tortured until they lost consciousness, hanged by their feet on chains, brought back to consciousness by having cold water dashed over them; then the whole process would be repeated all over again.

Giving the sum total of prisoners murdered, the commission writes—the few lines which I am about to quote are likewise on the same page, 86, of the document book:

> "It had been established that no less than 165,000 Soviet prisoners of war were executed by the Germans in the above-mentioned camps of the Lithuanian S.S.R."

The extermination of Soviet prisoners of war was, quite literally, carried out in every camp. Thousands of Soviet soldiers likewise perished in the extermination camp of Maidanek. The second paragraph of Page 5 of the joint Polish and Soviet communiqué of the Extraordinary Commission, which is presented to you as Exhibit Number USSR-29 (Document Number USSR-29)—corresponding to your Page 92 of the document book—states that:

> "The entire blood-stained history of this camp begins with the mass shooting of Soviet prisoners of war, organized by the SS in November and December 1941. Out of a group of 2,000 Soviet war prisoners, only 80 remained alive. All the rest were shot except a few who were racked and tortured to death.
>
> "Between January and April 1942 more transports of Soviet prisoners of war were brought to the camp and shot. Nedzelek Jan, hired to work in the camp as a truck driver, testified: "'About 5,000 Russian prisoners of war were exterminated by the Germans in the winter of 1942 by the following method: They were taken from their barracks in trucks and driven to the pits of a former stone quarry, and in these pits they were shot.'
>
> "Prisoners of war of the former Polish Army, captured as far back as 1939 and imprisoned in various German camps,

were already concentrated, in 1940, in the Lublin camp on Lipovoja Street and were soon after transferred, in batches, to the extermination camp of Maidanek, where they suffered the same fate: systematic torture, murder, mass shooting, *et cetera.*

"The witness, Reznik, testified as follows:

" 'In January 1941, we, a party of approximately 4,000 Jewish prisoners of war, were placed into railway coaches and sent to the East.... We were brought to Lublin, unloaded and handed over to the SS. About September or October 1942, it was decided that only those people who were qualified as skilled plant and factory workers, and therefore needed in the town, were to be left in the camp on Number 7 Lipovoja Street, while the rest, and I among them, were transferred to Maidanek Camp. All of us already knew—and knew far too well—that deportation to Maidanek meant death. Of this party of more than 4,000 prisoners of war, only a few individuals, who had managed to escape while engaged in work outside the camp, remained alive.

" 'In the summer of 1943, 300 Soviet officers, including two colonels, four majors, with the remainder consisting of captains and senior lieutenants, were brought to Maidanek. The officers in question were shot in the camp.' "

Huge camps for the extermination of Soviet prisoners of war had been organized by German fascists in the territory of the Latvian Soviet Socialist Republic. The report of the Extraordinary State Commission for the investigation of atrocities committed by the German invaders on the territory of this republic—we present to the Tribunal this report as Exhibit Number USSR-41 (Document Number USSR-41)—contains the following data on the extermination of 327,000 Soviet prisoners of war. I quote excerpts from Page 7, on the right column of the above-mentioned report. You, Sir, as well as the other members of the Tribunal, will find the excerpt on Page 97 of the document book:

"In Riga, the Germans organized a camp, Stalag 350, for Soviet prisoners of war, on the premises of the former barracks on Pernovskaja and Rudolf Streets, which existed from July 1941 to October 1944. There Soviet prisoners of war were kept in inhuman conditions. The building where they were lodged had neither windows nor heat. In spite of heavy forced labor from 12 to 14 hours a day, their rations consisted only of 150-200 grams of bread and so-called soup made of grass, rotten potatoes, leaves of trees, and other refuse."

In my opinion, it is necessary to stress the monotony of the rations issued to the prisoners of war. Testimonies given by witnesses coincide entirely with the official directive on the quantities of food allotted to the prisoners of war, which I have already read into the Record today.

A former prisoner of war, P. F. Yakovenko, who was imprisoned in Stalag 350, testified—this is on Page 97 in your document book; forgive me, I forgot to mention it:

> "We were given 180 grams of bread, half consisting of sawdust and straw, one liter of unsalted soup made of unpeeled rotten potatoes. We slept on the bare ground and were eaten up by lice. Between December 1941 to May 1942, 30,000 prisoners of war perished in this camp from starvation, cold, flogging, typhus, and shooting. The Germans daily shot prisoners of war who, owing to weakness or illness, were unable to go to work; they mocked at them and beat them without any reason at all."

G. B. Novitzkis, who had worked as senior nurse in the hospital for Soviet prisoners of war in Number 1, Gymnastitcheskaya Street, testified that she had repeatedly seen patients eat grass and tree leaves in order to quell the pangs of hunger.

> "In sections of Stalag 350, on the territory of a former brewery, and in the Panzer barracks, over 19,000 persons perished between September 1941 and April 1942 alone, of starvation, torture, and epidemics. The Germans also shot wounded prisoners of war. In addition, Soviet prisoners of war perished en route to the camp, since the Germans left them without food or water."

A female witness, A.V. Taukulis testified:

> "In the fall of 1941 a transport of Soviet prisoners of war, consisting of 50-60 coaches, arrived at the station of Salaspils. When the cars were opened, the stench of corpses spread over a great distance. Half the men were dead; many were at the point of death. Men who were able to climb out of the coaches dashed towards water, but the guards opened fire and shot a score or two of them."

I shall not enumerate other facts which took place in Stalag 350, I shall merely read into the Record the final sentence, referring to this camp. I fear that there is a misprint in this sentence in your document book. If I am not mistaken, your document book mentions the shooting of 120,000 Soviet prisoners. This figure is inaccurate; in the original document, which I shall now read into the Record, another figure is mentioned, "In Stalag 350 and in its branches, the Germans tortured to death and shot over 130,000 Soviet prisoners of war."

On Page 97 of your document book you can find the following part of this report:

> "There was a camp for Soviet prisoners of war, Stalag 340, in Daugavpilce (Dvinsk), known among the internees and the town's inhabitants as the 'Death Camp,' where in 3 years over 124,000 Soviet prisoners of war perished from starvation, tortures, and shootings."

The butchering of prisoners of war by German executioners usually began on the way to the camp. In the summer, prisoners of war were transported in tightly-closed wagons, in winter in freight coaches and on platform trucks. Masses of prisoners perished from hunger and thirst. They suffocated in the summer; they froze in the winter.

Witness T.K. Ussenko stated:

> "In November 1941 I was on duty, as signalman, at the station of Most, and I saw a transport, consisting of more than 30 coaches, move into the 'Kilometer 217' siding"—this was the name given to that particular part of the track—"Not a living soul was discovered in the coaches. No fewer than 1,500 dead bodies were unloaded from this transport. They were dressed in nothing but their underclothes. The corpses lay around the railway track for nearly a week."

The hospital attached to the camp was likewise dedicated to the extermination of prisoners of war. Schoolteacher V. A. Efimova, who worked at the hospital, told the Commission:

> "It was rarely that any one left this hospital alive. Five shifts of grave-diggers, selected from among the prisoners, carried the dead to the cemetery in handcarts. It frequently happened that a man who was still alive would be thrown into the cart and six to seven corpses or bodies of executed people piled on top of him. The living were buried with the dead. At the hospital sick people, tossing in delirium, were bludgeoned to death."

When an epidemic broke out in the camp, the Hitlerites drove to the airfield all the prisoners from any barrack where typhus patients had been discovered and shot them. About 45,000 Soviet prisoners of war were thus exterminated.

Appalling facts are quoted in the documents of the Extraordinary State Commission, which investigated the crimes of the German fascist invaders in the neighborhood of Sevastopol, Kerch, and at the health resort of Teberda. I shall read into the Record some data from our Exhibit Number USSR-63(5) (Document Number USSR-63(5)). At the Sevastopol prison, the German fascist command organized a hospital for sick and wounded prisoners of war. Here the Soviet warriors perished in masses. I shall quote a few sentences, which you will find in your document book on Page 99:

> "At the time the hospital was organized, the sick and wounded were not given any water or bread for 5 or 6 days by the Germans, who cynically said: 'This is the punishment for the specially stubborn defense of Sevastopol by the Russians.'
>
> "The wounded brought in from the battlefield were given no medical aid. Soldiers and officers were thrown on the cement floor, where they lay bleeding for 7 and 8 days on end.
>
> "During the defense of Sevastopol, a military hospital and a medico-sanitary battalion, Number 47, were installed in the vaults of the champagne factory at Inkermann. After the retreat of the Red Army, a large number of wounded soldiers and officers were left behind in Vault Numbers 10, 11, 12, and 13, since there had been no time to evacuate them. When the German savages captured the factory, they all became drunk and set fire to the vaults."

I omit a whole number of facts, the majority of which, strictly speaking, should have been specially reported to the Tribunal. I pass on to the description of the last crime mentioned in the statement of the commission. I pay special attention to it because it describes the brutal extermination of a very large number of wounded Red Army soldiers. You will also find this excerpt on Page 99 of your document book:

> "On 4 December 1943 there arrived at the station of Sevastopol, from the city of Kerch, three transports of wounded prisoners of war belonging to the Kerch landing forces. Having loaded them on a 2,500-ton barge moored in the southern bay near the landing stage, the Germans set fire to it. The heart-rending screams of the prisoners filled the air. Women who were not far from the barge could render no assistance to the wounded, since they were driven from the site of the fire by gendarmes. Not more than 15 men were saved. Thousands perished in the fire.
>
> "On the following day the same barge was loaded with 2,000 men from among the wounded brought from Kerch. The barge sailed from Sevastopol in an unknown direction, and all the wounded in it were drowned at sea."

I repeat that I am omitting a considerable number of facts established by the commission.

There is but little difference in character between the documentary evidence already read into the Record and the data on the atrocities perpetrated by the German fascist invaders on Soviet prisoners of war in the region of Stalino. In our Number USSR-2(a) we find, among a lot of other documents, two documents about the extermination of Soviet prisoners of war. The first document is dated Stalino, 22 September 1943, and is submitted by a special commission with the President of the Stalinozavodsk Regional Council of Workers' Deputies at its head. I shall read into the Record that part of the document which contains items of interest to us. The official report begins in the left-hand column of Page 3 of Document USSR-2(a), and the extracts which I am reading into the Record are printed on Page 108 of your document book:

> "The circumstances of the case: In the Stalinozavodsk district of the town of Stalino, in the Lenin Club, the German fascist invaders organized a camp for Soviet prisoners of war; at times there were up to 20,000 men in this camp; the camp commandant, a German officer named Gavbel, established an intolerable diet for the Soviet prisoners of war.
>
> "Examined as witnesses, Ivan Vasilyetch Plakhoff and Konstantin Semyonovitch Shatzky, former prisoners of war who had been interned in this camp and managed to escape, testified that prisoners of war were starved; a loaf of bread weighing 1,200 grams and made of poor-quality, burned flour was issued to eight men; once a day one liter of hot liquid food was issued, consisting of a small quantity of burned bran, occasionally mixed with sawdust. The premises in which the prisoners of war were housed had no glass in their windows; in summer and winter alike, even in the coldest weather, only 5 kilograms of coal per day were allowed for heating purposes. This amount could not, of course, heat the vast premises where up to a thousand prisoners lived in a perpetual draught. Mass cases of frostbite were observed. There were no baths. Generally speaking, people did not wash for 6 months and were overrun by enormous quantities of vermin. In the hot summer months the prisoners suffered from the heat. They were left without drinking water for 3 to 5 days on end."

The regime in the camp organized in the region of Stalinozavodsk was, as is clear from the extracts read into the Record, precisely the same as the regime in other German prisoner-of-war camps. This has been proved beyond all doubt by the discovery of general directives.

The following excerpt shows that, over and above these directives, camp commanders had opportunities for committing atrocities themselves, each man according to his own particular method, and yet remained unpunished. On Page 105 of your document book you will find the following extract which I am now quoting:

> "Prisoners of war were beaten with sticks and rifle butts on the slightest provocation, and a punishment of 720 strokes with the lash was imposed for any attempt at escape; the strokes were administered over a period of 8 days—30 strokes

> of the lash at a time—morning, noon, and evening. At the same time, the culprits were deprived of their bread ration, while the liquid ration was halved."

Mortality in the camp following this regime was enormous. In winter, up to 200 persons died every day. Epidemics broke out in the camp. Numerous cases of oedemata—the result of hunger and death by starvation—were registered.

The guards derived much pleasure in degrading the prisoners of war by setting one against the other. Thus Shatzky testified that he was flogged by German policemen, receiving 120 strokes with the lash and 15 with sticks, for disobeying the order to flog his fellow prisoners of war. The floggings were supervised by German officers.

Provisions brought by civilians for handing to the prisoners of war did not reach them. The commission came to the conclusion that no fewer than 25,000 Soviet prisoners of war were buried in the grounds of the camp and of the central polyclinic. This conclusion is based on the measurement and number of graves and on the evidence of witnesses.

Mass killings and murders of prisoners of war were also organized by the German fascist invaders in another town in the Don Basin, Artemovsk. A special commission, consisting of the military prosecutor of the town of Artemovsk, of the priest of the Pokrovskaya Church, Ziumin, of representatives of the intelligentsia, public organizations, and army units, drew up an official report on the mass murders of Soviet prisoners of war organized by the fascist invaders. This official report is on Page 4 of Exhibit Number USSR-2(a). It is also on Page 105 of your document book. It is said in the report:

> "In November 1941, soon after the occupation of the town of Artemovsk by German fascist invaders, a prisoner-of-war camp was established in the territory of the small military town lying beyond the northern station, housing 1,000 captured Red Army prisoners of war."

I omit one paragraph and pass on to the question of living conditions in the camp:

> "In the spring of 1942 prisoners of war, driven desperate by hunger, used to leave the camp and, creeping on all fours like animals, plucked and ate grass. In order to deprive the men even of this modicum of food, the Germans fenced off the camp building by a double row of barbed-wire, with a distance of 2 meters between the rows and barbed-wire entanglements placed between them."

I omit one paragraph and am preparing to read the conclusions into the Record:

"Twenty-five graves were discovered near the camp—three of them mass graves. The first grave measured 20 by 15 meters; it contained the remains of about 1,000 corpses. The second grave measured 27 by 14 meters and contained the remains of about 900 corpses. In the third grave, 20 meters by 1, the remains of up to 500 corpses were discovered; and in the remaining graves, from 25 to 30 in each, making up, all told, a total of some 3,000 corpses."

In the neighborhood of the small farm of Vertyatchy, in the Goroditschtchensky region of the Stalingrad area, the Hitlerites established a prisoner-of-war camp. Here, as in other camps, and with their customary and characteristic sadism, they exterminated the war prisoners of the Red Army.

I present to you, as evidence, our Exhibit Number USSR-63(3) (Document Number USSR-63(3)), which contains an official report of 21 June 1943. It is duly drawn up and certified and contains the following information—this is on Page 110 of the document book:

"As a result of the atrocious regime, at least 1,500 Soviet prisoners of war perished of starvation, torture, sickness, and executions in the camp near Vertyatchy, during the 3½ months of its existence.

"The Germans forced the prisoners to work from 14 to 16 hours per day, and fed them once a day, the ration consisting of 3 to 4 spoonfuls of stewed rye or a ladleful of unsalted rye soup together with a piece of horse carrion.

"A few days before the arrival of the Red Army the Germans ceased to feed the prisoners altogether and condemned them to death by starvation. Nearly all the prisoners suffered from dysentery. Many had open wounds, but the prisoners received no medical assistance whatsoever."

I omit one paragraph and pass on to the next, which deals with the humiliating treatment of prisoners of war:

"Germans mocked the patriotism of the Soviet prisoners of war by forcing them to work on German military constructions, to dig trenches and dugouts, and to build mud huts and shelters for military technical equipment. The Hitlerites systematically humiliated Soviet prisoners of war by making them kneel before the Germans."

It is noted in the official report that the commission examined material evidence: tools used for the torture of Soviet prisoners of war, a leather thong and dagger, picked up among the disarmed bodies, with the well-known Hitlerite slogan "Blood and Honor" ("Blut und Ehre"). The circumstances in which the dagger was discovered give every possibility of understanding what was meant by German "honor" and for whose blood the dagger was intended.

The documents of the Extraordinary State Commission of the Soviet Union relating to the town of Kerch describe the characteristic crimes of the Hitlerite invaders. I submit to the Tribunal the documents of the Extraordinary State Commission as Exhibit Number USSR-63(6) (Document Number USSR-63(6)), and I shall read several extracts into the Record. In your copy they are all marked so as to enable the Tribunal to follow the text quoted—Page 115.

THE PRESIDENT: I think we might break off now.

[A recess was taken.]

COL. POKROVSKY: On Page 115 of the document book you will find the excerpt I am about to quote from the testimony of Citizeness P. Y. Bulytchyeva:

> "Citizeness P. Y. Bulytchyeva, born in the city of Kerch in 1894, testified:
>
> " 'I witnessed how our Red Army prisoners of war, both soldiers and officers, were repeatedly driven along the street and how the weak and wounded were shot out of hand by Germans in the street itself when, through sheer debility, they fell out of the ranks. Many times I witnessed this terrible scene. Once, in the freezing cold, I saw a group of exhausted, ragged, and barefooted prisoners driven along. Those who attempted to snatch the pieces of bread thrown to them by the citizens were beaten up with rubber truncheons and rifle butts. Those who fell under the blows were promptly shot.' "

I am omitting a few sentences which, in my opinion, need not be read into the Record.

> "At the time of the second occupation, when the Germans broke into Kerch again, they began to avenge themselves with even greater fury on perfectly innocent people."

The witness testifies that the fascist butchers first of all avenged themselves on the military personnel and that they beat wounded soldiers to death with rifle butts. On the same page, 115, you will find the following excerpt:

> "The prisoners of war were driven into large buildings, which were then set on fire. Thus, the Voikov school was burned down, together with the club for engineering and technical workers containing 400 soldiers and officers of the Red Army.
>
> "Not a man succeeded in escaping from the burning building. All those who attempted to save themselves were mowed down by machine gun fire.

> "Wounded soldiers were savagely tortured to death in the small fishing village of Mayak."

Another woman witness who lived in this village, A. P. Buryatchenko, testified:

> "On 28 May 1942 the Germans shot all the peaceful inhabitants who had remained in the village and had not succeeded in hiding. The fascist monsters mistreated the wounded Soviet prisoners of war, beat them with rifle butts, and then shot them. In my home, the Germans discovered a girl in military uniform, who resisted the fascists, crying, 'Shoot, you vipers, I die for the Soviet people and for Stalin, but you, you monsters, will die a dog's death.' This girl patriot was shot on the spot."

There is, in the district of Kerch, the stone quarry of Adjimushkaisk. Red Army soldiers were exterminated and poisoned by gas. N. N. Dashkova, a woman from the village of Adjimushkaisk, testified:

> "I myself saw the Germans, who had caught about 900 Red Army soldiers in the quarry, first ill-treat and then shoot them. The fascists used gas."

I omit several sentences. On the same page, 115, you will find the following quotation:

> "At the time of the occupation a camp for Soviet prisoners of war, housing over 1,000 captives, was set up in the Engels Club. The Germans ill-treated them, fed them only once a day, drove them off to heavy labor beyond their strength, and shot on the spot all those who, exhausted, fell by the road."

I consider it essential to quote a few more testimonies. N. J. Shumilova, a woman from the hamlet of Gorki, testified:

> "I myself saw a group of prisoners of war being led past my courtyard. Three of them were unable to move and were promptly shot by the German escort."

P. I. Gerassimenko, a woman living in the hamlet of Samostroy, testified:

> "Many Red Army soldiers and officers were driven to our village. The area which they occupied was surrounded by barbed wire. Here, naked and barefoot, they perished from cold and hunger. They were kept in the most frightful and inhumane conditions. By the side of the living lay the bodies of the dead, and these bodies were not moved for days on end. Such conditions rendered life in the camp still more intolerable. The prisoners were beaten with rifle butts, flogged by the lash, and fed on refuse. Any inhabitant who attempted

> to give food and bread to the prisoners was beaten up, while prisoners attempting to hand over these gifts were shot."

In a Kerch school, Number 24, the Germans set up a camp for prisoners of war. A. N. Naumova, a school teacher, testified as follows concerning the regime in the camp:

> "There were many wounded in the camp. These unhappy people, though bleeding profusely, were left without any help. I collected medicine and bandages for the wounded, and their wounds were dressed by a medical orderly from among the captives. The prisoners suffered from dysentery since they were fed hog-wash instead of bread. People dropped from exhaustion and disease; they died in agony. On 20 June 1942 three prisoners of war were given the lash for attempting to escape from the camp. The wounded were shot. In June one of the escaped prisoners was caught and executed."

Koshenikove, a teacher in the Stalin School, in the area of the factory kitchen and Voikov works, witnessed the execution of a group of Red Army men and officers. In 1943 the German criminals drove Red Army prisoners all the way from the Caucasus. The entire road from the ferry to the town, a distance of some 18 to 20 kilometers, was littered with the dead bodies of Red Army men. There were many sick and wounded among the prisoners of war. Whoever was unable to walk, either through exhaustion or sickness, was shot on the way.

Among other facts there is one which deserves special attention:

In 1942 the fascists threw 100 Red Army prisoners of war, alive, into the village well of Adjimushkray; their bodies were subsequently extracted by the inhabitants and buried in a communal grave in the sacred brotherhood of death. This information is contained in the same report, extracts of which I have just quoted to you.

On 29 January 1946 the witness, Paul Roser, was cross-examined here before the Tribunal. He testified that in the course of 4 months, out of 10,000 Russians, whom he had seen as prisoners of war in the German camp at the city of Rawa-Ruska, only 2,000 remained alive.

We possess evidence from yet another eyewitness of the numerous atrocities and endless tortures inflicted on the prisoners of war at Rawa-Ruska. Witness V. S. Kotchan, who was duly interrogated according to the procedure prescribed by our laws, testified before the captain of the guard of justice, Ryshov, on 27 September 1944—the minutes of his interrogation are hereby submitted to you as Exhibit Number USSR-6(c) (Document Number USSR-6(c)):

> "I worked under the Germans as a digger at the prisoner-of-war camp for Red Army soldiers, from December 1941 to April 1942."

This is on Page 124 of the document book. I omit a few lines irrelevant to the matter, and I quote further:

> "This camp was set up by the Germans in the barracks near the railway. The entire area of the camp was surrounded by barbed wire. According to personal statements by the prisoners of war, the Germans drove from 12,000 to 15,000 men into this camp. While we were working, we watched the Germans mock the Red Army prisoners of war. They fed them once a day on unpeeled, frozen potatoes baked in their skins and covered with dirt. They kept the prisoners of war in the cold barracks all through the winter.
>
> "I know for a fact that, when the Germans drove the prisoners of war into this camp, all clothes, overcoats, boots, and shoes which were at all serviceable were taken from the prisoners, leaving them barefoot and in rags. The prisoners of war were taken to work daily under escort from 4 to 5 in the morning and kept working until 10 o'clock at night. Then, worn out, cold, and hungry, the prisoners were marched back to their barracks, where doors and windows had purposely been left open all day so that the frost might enter these barracks and freeze the prisoners to death. In the morning, under the supervision of German soldiers, hundreds of corpses would be taken away in a tractor by the prisoners of war; they were buried in previously-prepared pits in the forest of Volkovitch. When the prisoners were marched off to work in the morning, under escort, the Germans would place a detachment of soldiers armed with rifles and stakes by the exit gates of the camp; they pole-axed them with stakes, stabbed them with bayonets, and chased the hungry and exhausted prisoners who were unable to move properly."

The same witness describes also some other German atrocities:

> "The German camp administration brought out completely-naked prisoners of war, bound them with ropes to a wall surrounded by barbed wire and kept them there, in the cold of the December winter, until they froze to death. The air of the camp resounded continually with the groans and cries of people maimed by rifle butts. Some were pole-axed with rifle butts on the spot.
>
> "When, starving and exhausted, the prisoners were brought to the camp, they would hurl themselves on a heap of rotten and frozen potatoes. This, in turn, would be followed by a shot from the German escort."

I present to the Tribunal, under the same Number USSR-6(c)—Page 120 of the document book—the deposition of a French prisoner of war, Emilie Leger, a soldier of the 43rd Colonial Infantry Regiment, Serial Number 29. In his deposition the camp at Rawa-Ruska is called the "famous camp of lingering death, Stalag 325."

It appears to me that this phrase serves, as it were, as a supplement to the testimonies of witnesses Roser and Kochau. The Soviet Prosecution has at its disposal a considerable quantity of material disclosing as well numerous crimes of the Hitlerite invaders perpetrated against prisoners of war in the territory of the Lvov district.

It seems to me sufficient to read into the Record extracts from the evidence submitted by D. Sh. Manussevitch, and I wish to state that this evidence is confirmed by the testimony of two other witnesses: F. G. Ash and G. Y. Khamaydes. I am presenting all three documents as Document Number USSR-6(c).

Witnesses Manussevitch, Ash, and Khamaydes worked for some time in the detachment which cremated the dead bodies of men shot by the Germans in the region of Lvov and particularly in the Lissenitzky camps. Witness Manussevitch states—I quote, beginning with Line 20 at the bottom of Page 2 of our Number 6(c), and on Page 129 of your document book:

> "When we (the Brigade of Death) had completed the cremation of the corpses, we were conveyed at night in cars to the Lissenitzky forest, opposite the yeast factory at Lvov. There were about 45 pits in this forest, containing the bodies of people previously shot in 1941-42. There were between 500 and 3,500 bodies in the pits. These were not only the bodies of soldiers of the Italian, French, Belgian, and Russian armies, that is, of prisoners of war, but of peaceful inhabitants as well. All the prisoners of war were buried in their clothes. Therefore, when digging them out of the pits, I could recognize the dead by their uniforms, insignia, buttons, medals, and decorations, as well as by their spoons and mess cups. All these were burned once the corpses had been exhumed. As in the camp at Yanovsky, grass was sown on the site of the pits, and trees and dead tree trunks were planted so as to erase any trace of the crimes, which are certainly unprecedented in the history of mankind."

In addition to the testimony of the victims and of many Soviet citizens we have at our disposal the testimonies of members of the German Armed Forces. I submit to the Tribunal as Exhibit Number USSR-62 (Document Number USSR-62) a document which was signed by more than 60 persons belonging to different units and branches of the German Army. We find their signature on written protests addressed to the International Red Cross in January 1942. We also have a communication of the International Red Cross acknowledging the receipt of this document. In this letter they mentioned facts relating to the criminal treatment of Soviet prisoners of war, of which they had personal knowledge. The persons who signed this protest were themselves prisoners of war at Soviet Camp Number 78. Their protest is the result of the comparison made by the authors of the document between the treatment meted out to Soviet prisoners, which they had seen for themselves, and the treatment they received at Camp Number 78. I will quote a few excerpts from this document—the text with the following words—Page 135 of the document book:

> "We, the German prisoners of war of Camp Number 78, have read the note by the Peoples' Commissar of Foreign Affairs of the Soviet Government, Mr. Molotov, concerning the treatment of prisoners of war in Germany. We might consider the cruelties described in that note as impossible had we not witnessed such atrocities for ourselves. In order that truth should prevail, we must confirm that prisoners of war—citizens of the Soviet Union—were often subjected to terrible ill-treatment by representatives of the German Army and were even shot by them."

Concrete examples of crimes known to the authors are quoted further on in the text. Hans Drews, of Regenwalde, a soldier of Company 4 of the 6th Tank Regiment, stated:

> "I am acquainted with the order issued by Lieutenant General Model to the 3rd Tank Division to the effect that prisoners should not be taken. A similar order was issued by Major General Nehring, commanding officer of the 18th Tank Division. Two days prior to the attack on Russia we were told at the briefing session of 20 June that in the forthcoming campaign wounded Red Army men should not have their wounds dressed, since the German Army would have no time to bother with the wounded."

The fact of the preliminary issuance of this order also has been confirmed by a soldier of the 18th Tank Division Headquarters, Harry Marek, a native of the neighborhood of Breslau:

> "On 21 June, a day before the beginning of the war against Russia, we received the following order from our offices:
>
> " 'The commissars of the Red Army are to be shot on the spot, since there is no need to stand upon any ceremony with them. Neither is there any necessity to bother ourselves unduly with the Russian wounded; they must be finished off immediately.' "

Wilhelm Metzick, a soldier of the 399th Infantry Regiment of the 170th Division, from Hamburg-Altona, quotes the following case:

> "On 23 June, when we entered Russia, we came to a small hamlet near Beltsa. There I saw with my own eyes how two

> German soldiers shot five Russian prisoners in the back with submachine guns."

Wolfgang Scharte, a soldier in Company 2 of the 3rd Tank Destroyer Battalion, a native of Gerhardtschagen, near Brunswick, testified concerning the question of exterminating the Red commissars of the Red Army:

> "On the day before we opened the campaign against the Soviet Union, the officers told us:
>
> " 'If on the way you should happen to meet Russian commissars—they can always be recognized by the Soviet star on their sleeve—and Russian women in uniform, they must be shot immediately. Anyone failing to do so and to comply with this order will be held responsible and punished.'
>
> "On 29 June I myself saw representatives of the German Army shoot wounded Red Army men lying in a field of grain near the town of Dubno. After this they were run through with bayonets to make quite sure that they were dead. German officers stood nearby and laughed."

Joseph Berndsen of Oberhausen, a soldier of the 6th Tank Division, stated; "Even before entering Russia we were told, at one of the briefing sessions, 'Commissars must be shot.' "

Jacob Korzillias, of Horforst, near Treves, a German officer, a lieutenant of the 112th Engineer Battalion of the 112th Infantry Division, certified:

> "In a village near Bolva, 15 wounded Red Army men were thrown out of the hut where they were lying, stripped, and bayonetted on the order of Lieutenant Kierick, adjutant of the 112th Engineer Battalion. This was done with the knowledge of the division commander, Lieutenant General Mitt."

Alois Goetz, from Hagenbach-am-Rhine, a soldier of Company 8 of the 427th Infantry Regiment, stated, "On 27 June, in a forest near Augustovo, two Red Army commissars were shot on the order of the battalion commander, Captain Wittmann."

On Page 3 of our Exhibit Number USSR-62 we find the following statement by Paul Sender of Königsberg, a soldier of the 4th Platoon of Company 13, Infantry Field Artillery, attached to the 2d Infantry Regiment—Page 137 of the document book:

> "On 14 July, on the road between Porchov and Staraya-Russa, Corporal Schneider, of Company 1 of the 2d Infantry Regiment, shot 12 captured Red Army men in the gutter. When I questioned him on the matter, Schneider answered, 'Why should I bother with them? They are not even worth a bullet.' I also know of another case.

> "During the battles around Porchov, a Red Army man was captured. Shortly after he was shot by a corporal of Company 1. As soon as the Red Army soldier fell, the corporal took from his knapsack all the food in it."

To conclude the reading of excerpts from the protest of the German prisoners of war, I should like to quote two more depositions by Fritz Rummler and Richard Gillig, respectively. We find their depositions at the bottom of Page 4. Fritz Rummler, a native of Strehlen in Silesia and a corporal of Company 9, Battalion 3, of the 518th Regiment of the 295th Infantry Division, reported the following cases—this excerpt is on Page 138 of the document book:

> "In August, in the town of Zlatopol, I saw how two officers of the SS units and two soldiers shot two captured Red Army soldiers after first taking their army overcoats from them. These officers and soldiers belonged to the Panzer tank forces of General Von Kleist. In September the crew of a German tank on the road to Krasnograd crushed two captured Red Army soldiers to death with their tank. This act was inspired purely by lust for blood and murder. The tank commander was a noncommissioned officer, Schneider, belonging to Von Kleist's Panzer forces. I saw how four captured Red Army soldiers were questioned in our battalion. This happened at Voroshilovsk. The Red Army soldiers refused to answer questions of a military nature asked by the battalion commander, Major Warnecke. He flew into a rage and with his own hands beat the prisoners unconscious."

Corporal Richard Gillig, of the 9th Transportation Platoon, of the 34th Division, stated:

> "Many a time I witnessed the inhuman and cruel treatment of Russian prisoners of war. Before my own eyes and on the orders of their officers, German soldiers removed the boots from the captured Red Army soldiers and drove them on barefooted. I witnessed many such facts at Tarutino. I was an eyewitness of the following incident: One prisoner refused to surrender his boots voluntarily. Soldiers of the escort beat him till he could no longer move. I saw other prisoners being stripped, not only of their boots, but of their uniform clothing, right down to their underwear."

I omit a few sentences and go on to the end of the statement.

> "I saw, during the retreat of our column, near the town of Medyn, German soldiers beating up captured Red Army soldiers. One prisoner was very tired and unsteady on his legs. A soldier of the escort raced up to the captive and started kicking and beating him with the butt of his rifle. Other

> soldiers followed his example and the prisoner dropped dead when we reached the town."

The statement reads on:

> "It is no secret that, in the front line of the German Army division headquarters, specialists existed whose work it was to torture Red Army soldiers and Soviet officers in order to force them, in this manner, to disclose military orders and information."

I submit to the Tribunal the photostat of this statement. You can see that there are 60 signatures appended to it by members of the German Armed Forces, with the indication of the regiments and smaller subdivisions to which they belonged.

I submit to the Tribunal four photographs of German origin. Each of these photographs was taken by Germans; time and place when the photographs were taken are indicated. One photograph shows the distribution of food; the third and fourth are pictures of the prisoner-of-war camp at Uman.

THE PRESIDENT: Where are the pictures?

COL. POKROVSKY: If I am not mistaken, you have been given the photostat of the statement, but not the photographs.

THE PRESIDENT: This is not a copy of the photographs; these are the signatures of the 60 German prisoners.

COL. POKROVSKY: The photographs will be submitted immediately. They have evidently, by an oversight, not been included in the document book.

THE PRESIDENT: Go on.

COL. POKROVSKY: It is obvious from the first picture that the food distributed is insufficient. Men are practically fighting for the right of getting at it. The second photograph shows hungry Soviet prisoners of war wandering round an empty barn and eating the oil cakes stored for cattle food and which they had discovered. As to the third and fourth photographs, I can submit to the Tribunal important testimony by the witness, Bingel. Excerpts from his testimony have a direct bearing on the question of the treatment of Soviet prisoners of war.

I interrogated Bingel myself and I now submit the minutes of his interrogation to the Tribunal as Exhibit Number USSR-111 (Document Number USSR-111), dated 27 December 1945. Bingel, who formerly commanded a company in the German Army, testified—I quote an excerpt from Page 8 of the minutes of his interrogation—as follows:

> "A: 'In one of my reports I made a statement concerning the regime inside the prisoner-of-war camp at Uman....

> This camp was guarded by a company of our subsection of the 783rd Battalion, and I was therefore familiar with everything which occurred in the camp. It was the task of this battalion to guard the prisoners of war and to control the highways and railroads.
>
> " 'This camp was calculated to hold, under normal conditions, from 6,000 to 7,000 men; at that time, however, it housed 74,000 men.'
>
> "Q: 'Were there barracks?'
>
> "A: 'No. It was formerly a brickyard and consisted exclusively of low sheds for drying bricks.'
>
> "Q: 'Were the prisoners of war housed there?'
>
> "A: 'It can scarcely be said that they were housed, since each shed, at the utmost, could not contain more than 200 to 300 men; the rest had to sleep in the open.'
>
> "Q: 'What was the regime like at that camp?'
>
> "A: 'The regime in that camp was definitely peculiar. The existing conditions gave one the impression that the camp commander, Captain Bekker, was quite unable to handle and feed so large a number of men. There were two kitchens in the camp; although they could hardly be called kitchens. Iron barrels had been placed on stone and concrete floors, and the food for the prisoners was prepared in these barrels. But the kitchens, even if operating for 24 hours on end, could only prepare food for approximately 2,000 people daily. The usual diet for the prisoner was very insufficient. The daily ration for six men consisted of one loaf of bread which, again, could scarcely be described as bread. Disturbances frequently arose during the distribution of the hot food, for the prisoners—and there were 70,000 of them in the camp—struggled to get at the victuals. In cases like these the guards resorted to clubs—a usual procedure in the camp. I obtained the general impression that in all the camps the club was inevitably the foundation of all things.' "

Please forgive the digression, but I have been told, Your Honor, that two photographs are attached to the Record and that their authenticity is certified. I am now submitting them to the Tribunal. The other two will be handed to you very shortly. I continue to quote from the Record:

> "Q: 'Do you know anything about the death rate at the camp?'
>
> "A: 'Sixty to seventy men died at the camp daily.'
>
> "Q: 'From what causes?'

> "A: 'Before the epidemics broke out one mostly spoke of people being killed.'
>
> "Q: 'Killed during the distribution of food?'
>
> "A: 'Both during the distribution of food and during working hours; generally speaking, people were being killed all day long.' "

Bingel was interrogated by us for the second time, and he was shown the photographs of the camp at Uman.. These are the same photographs that you now have in your hands, Your Honors. He was then asked the following question, "The camp shown here, is it the one you spoke about, or some other camp?" After this he was shown photographs from a negative, 13×18, of 14 August 1941 and from a negative, 13×22, of the same date. Bingel replied:

> "Yes, this is the camp of which I spoke. As a matter of fact, this is not the camp proper but a clay pit belonging to the camp; here the prisoners were housed as soon as they arrived from the front. Later on they were assigned to various sections of the camp."
>
> "Q: 'What can you tell us about the second photograph?'
>
> "A: 'The second one shows the camp photographed from another angle, that is, from the right side. The buildings shown here were practically the only brick buildings in the camp. These brick buildings, though quite empty and undamaged, with excellent and spacious quarters, were not used for housing the prisoners of war.' "

It is difficult to say whether or not that what the Hitlerites did to the Soviet prisoners of war at the so-called "Grosslazarett" of the town of Slavuta, in the Kamenetzk-Podolsky region, should be considered as the limit of human vileness. Be that as it may, the extermination of Soviet prisoners of war by the Hitlerites at the "Grosslazarett" is one of the darkest pages in the annals of fascist crime.

I submit to the Tribunal, as Exhibit Number USSR-5 (Document Number USSR-5), the report of the Extraordinary State Commission, and I shall read into the Record several excerpts from the report itself, as well as from the appendices thereto.

> "On the expulsion of the fascist hordes from the town of Slavuta, units of the Red Army discovered, on the site of the restricted military area, the establishment which the Germans called the 'Grosslazarett' for Soviet prisoners of war. Over 500 emaciated, critically sick men were found in the 'Lazarett.' The interrogation of these men and the special investigation carried out by medico-forensic experts and by experts of the Central Institute for Food, of the People's

> Commissariat for Health in the U.S.S.R., led to a detailed reconstruction of the extermination of an immense number of Soviet prisoners of war in that appalling institution."

You will find the passage I am about to quote on Page 153 of the document book:

> "In the fall of 1941, German fascist invaders occupied the town of Slavuta, where they organized a 'Lazarett' for wounded and sick officers and men of the Red Army, under the name of Grosslazarett, Slavuta, Teillager 301.
>
> "The 'Lazarett' was located about 1½ to 2 kilometers to the southeast of Slavuta and occupied 10 three-storied stone buildings. The Hitlerites surrounded all these buildings by a strong barbed-wire fence. All along the barbed wire, 10 meters apart, towers were built, in which guns, searchlights, and guards were placed.
>
> "The administrative staff, the German doctors and the guard of the 'Grosslazarett,' the latter represented by the commanding officer, Captain Plank (later replaced by Major Pavlisk), the deputy commander, Kronsdorfer, Captain Boye, Dr. Borbe, with his deputy, Dr. Sturm, Master Sergeant Ilseman, and Technical Sergeant Bekker carried out a mass extermination of Soviet prisoners of war by imposing a special regime of hunger, overcrowding, and unsanitary conditions, by torture and direct murder, by depriving the sick and wounded of all medical assistance, and by subjecting utterly exhausted men to heavy labor."

The Extraordinary State Commission refers to the "Grosslazarett" as the "Hospital of Death." I shall quote a short excerpt from a section under the selfsame name. It is on Page 3 of the Russian original and on Page 153 of the document book:

> "The German authorities concentrated at the 'Grosslazarett' 15,000 to 18,000 severely and slightly wounded Soviet prisoners of war, together with prisoners suffering from various contagious and noncontagious diseases.
>
> "To replace the ranks of the dead, fresh batches of sick and wounded prisoners of war were continually brought in. On the journey the captives were tortured, starved, and murdered. The Hitlerites threw out hundreds of corpses from each car of the incoming transports as they reached the 'Lazarett.'"

According to data received from the investigating commission, 800 to 900 dead bodies would be thrown out of each train as it unloaded at a branch line. A further report of the Commission states:

> "Thousands of Soviet prisoners on the march perished from hunger, thirst, lack of care, and the savage club-law of the German guards... as a routine practice the Hitlerites would greet a group of prisoners at the 'Lazarett' gates with blows from rifle butts and rubber truncheons, after which the new arrivals would be stripped of their leather footwear, warm clothing, and personal belongings."

In the next section, on the same page, the State Commission reports that infectious diseases were deliberately spread among the prisoners of war by German medical officers in the "Lazarett":

> "In the 'Grosslazarett' the German medical officers artificially created an incredible state of overcrowding. The prisoners were forced to stand close to each other; they succumbed to exhaustion, dropped down, and died."

The fascists resorted to various methods for reducing the living room in the "Lazarett". A former prisoner of war, I.Y. Chuazhev, reported that:

> "The Germans reduced the floor space in the 'Lazarett' by firing off submachine guns, since the prisoners, perforce, pressed more closely to each other; then the Hitlerites pushed in more sick and wounded and the door was closed."

The premeditated spreading of infectious diseases in this death camp, derisively named a "Lazarett," was achieved by extremely primitive means:

> "Patients suffering from spotted fever, tuberculosis, or dysentery, severely and lightly wounded cases, were one and all put in the same block and the same ward."

In a ward intended, under normal conditions, to hold not more than 400 patients, the number of spotted fever and tuberculosis cases alone amounted to 1800.

> "The rooms were never cleaned. The sick remained, for months on end, in the same underclothes in which they were captured. They slept on the bare boards. Many were half-undressed, others entirely naked. The buildings were unheated, and the primitive stoves, constructed by the prisoners themselves, fell to pieces. There was no water for washing in this 'Lazarett,' not even for drinking. As a result of these unsanitary conditions, the 'hospital' was, to a monstrous extent, overrun by lice."

Annihilation by the premeditated spreading of diseases went hand in hand with starvation. The daily food ration consisted of 250 grams of ersatz bread and two liters of so-called "Balanda soup." The flour used for baking the bread for sick and wounded prisoners of war was brought from Germany. Fifteen tons of flour were discovered in one of the "Lazarett" storerooms. The factory-packed paper bags, containing 40 kilos each, bore a label with the word "Spelzmehl." Samples of this ersatz flour were sent for analysis to the Central Food Institute of the People's Commissariat for Public Health of the U.S.S.R.

I present the document dealing with the annihilation of Soviet prisoners of war by the Hitlerites in the "Grosslazarett" as Exhibit Number USSR-5(a), (Document Number USSR-5(a)). On Pages 9, 10, and 11 of this document the Tribunal can see the photostat of the Central Food Institute's report.

This report was established on the one hand on the basis of an analysis made by the field military laboratory and, on the other hand, on the basis of an analysis carried out in the Central Food Institute itself. Sample bakings of bread were made from the ersatz flour and from the ersatz flour mixed with a small addition of real flour. It seems that it was impossible to bake a loaf with ersatz flour alone. The Institute's report states:

> "It is evident that the bread was made with the addition of a certain quantity of natural flour for binding the dough. A diet of this so-called 'bread,' in the absence of all other food and food products of a full dietetic value, inevitably led to starvation and acute exhaustion."

The analysis proved that the "flour" consisted of nothing but straw chopped evenly though rather roughly. Some particles were 2 and some 3 millimeters in length. Under the microscope, in every optical field of vision—according to the report—we discovered, "Together with food and vegetable fiber, minute quantities of grains of starch, resembling grains of oats in structure." The Institute came to the conclusion that "The use of this bread, owing to the irritant action of the soft crumb, resulted in diseases of the digestive tract."

Anticipating a little, I should like to report the results of the medico-legal autopsies performed on 112 corpses exhumed from Site Number 1 and of the external examination of approximately 500 bodies. In the first instance exhaustion was proved to have caused the death of 96 victims. In the second case, as stated in the findings—see Page 7—mentioned in Exhibit Number USSR-5(a), (Document Number USSR-5(a)):

> "The statement that exhaustion was the fundamental cause of mortality in the prisoners' camp was likewise proved by the results of the external examinations of some 500 corpses, when it was disclosed that the proportion of victims dead of acute exhaustion had approached 100 percent."

A little further on, in the same report, in Subparagraph "d" of Paragraph 5, the experts, supported by numerous witnesses, state that the diet in the Slavuta "Grosslazarett" can be characterized as completely useless for human consumption. I quote, "Bread contained 64 percent sawdust; 'Balanda soup' was made of rotten potatoes with the addition of refuse, rat-droppings, *et cetera.*"

Such prisoners of war who had survived the tyranny of the Hitler hangmen and had lived to see the liberation of Slavuta declared—I quote an excerpt from Page 4 of Exhibit Number USSR-5, Page 153 of the document book:

> "In the 'Grosslazarett' we periodically observed outbreaks of a mysterious disease of an unknown nature, referred to as 'para-cholera' by the German doctors. The appearance of 'para-cholera' was the result of barbarous experiments by the German doctors. These outbreaks would vanish as suddenly as they appeared. The mortality rate in 'para-cholera' rose to 60-80 percent. German physicians performed autopsies on the bodies of some of the victims, and no captured Russian medical officers were admitted to these autopsies."

In conclusion, it is stated in Subparagraph 8 of the medico-legal expert report—Page 7 of Exhibit Number USSR-5(a), Page 159 of the document book—that:

> "No objective circumstances can justify the conditions under which the prisoners of war were housed in the camp. All the more, since it has been revealed by thoroughgoing investigations that there were enormous food supplies in the German military depots at Slavuta and that both medical supplies and surgical bandages abounded in the military dispensaries."

The "Grosslazarett" staff included a considerable number of medical personnel. Nevertheless, according to the statement of the government commission, sick and wounded officers and men of the Red Army did not receive even the most elementary medical attention. And how could there be any talk of medical attention when the entire object of the "Grosslazarett" was directly opposed to such assistance? The administration of the "Grosslazarett" not only strove to destroy the prisoners of war physically, but they also endeavored to fill the last days of the sick and wounded with suffering and anguish.

One part of the commission's statement is entitled "Torture and shooting of Soviet prisoners of war." I shall read into the Record a passage taken from this part. It is on Page 4, Exhibit Number USSR-5, Page 153 of the document book:

> "Soviet prisoners of war in the 'Grosslazarett' were subjected to torture and torment, beaten up when food was distributed

and again when setting out to work. Even the dying were not spared by the fascist murderers. The medico-legal examination of the exhumed corpses revealed, among a number of other bodies of prisoners of war, the body of a prisoner who, in his death agony, had been wounded in the groin with a knife. He had been thrown into his grave while still alive, with the knife sticking in the wound, and was then covered over with earth.

"One method of mass torture in the 'Lazarett' consisted in locking the sick and wounded in a detention cell—a room without heat and with a concrete floor. The prisoners in this cell were left without food for days on end, and many died there. In order to exhaust the ill and weak prisoners still further, the Hitlerites forced the sick and enfeebled patients to run round the 'Lazarett' building; those who could not run were flogged almost to death. There were many cases where the German guards murdered the prisoners just for fun.

"A former prisoner of war, Buchtichyuk, reported how the Germans threw the intestines of dead horses on the barbed wire surrounding the interior of the camp. When the prisoners, maddened with hunger, ran up to the barbed wire, the guards opened fire on them with submachine guns. The witness, Kirsanov, saw one prisoner of war bayonetted for picking up a potato tuber. A former prisoner of war, Shatalov, was an eyewitness to the shooting of a prisoner by his escort merely for trying to obtain a second helping of 'Balanda soup.'

"In February 1942 Shatalov saw a sentry wound a prisoner who was searching the garbage heap for remnants of food left over from the kitchen of the German personnel; the wounded man was immediately brought to the pit, stripped, and executed."

THE PRESIDENT: We will adjourn now.

[The Tribunal adjourned until 14 February 1946 at 1000 hours.]

FIFTY-NINTH DAY

Thursday, 14 February 1946

Morning Session

THE PRESIDENT: I have an announcement to make which concerns the defendants' counsel. The Tribunal will sit in open session on Saturday morning from 10 o'clock to hear the application of the defendants' counsel for an adjournment.

They will hear one counsel on either side, that is to say, one counsel for the Prosecution and one counsel for the Defense, for 15 minutes each, and after that open session the Tribunal will adjourn into closed session upon procedural matters.

COL. POKROVSKY: Yesterday, in the course of my representation, I referred to four photographs in our possession, two of which were submitted to the Tribunal there and then. These photographs have been made by the Germans and they show the prisoner-of-war camp at Uman. I must apologize that yesterday, for technical reasons, we were unable to produce the remaining two at the proper time. The first of these photographs shows the distribution of food to the prisoners; the second, hungry Soviet prisoners searching for and eating oil cakes intended as cattle food. I now submit the originals of these two photographs (Document Numbers USSR-358 and 359) as Exhibit Numbers USSR-358 and USSR-359.

An autopsy of the exhumed bodies, performed during the investigation of fascist crimes in the so-called "Lager," Slavuta, confirms that:

> "The headquarters command and the camp guards repeatedly resorted to refined forms of torture. Among the bodies exhumed on which autopsies were performed, the medico-legal examination established that the corpses of four prisoners of war, murdered with cold steel, had received bayonet wounds penetrating the cavity of the skull."

You will find this passage, Your Honors, on Page 153 of the document book.

> "The Hitlerites compelled sick and wounded prisoners, despite their extreme weakness and acute state of exhaustion, to carry out work which was entirely beyond their strength. The prisoners had to carry heavy burdens, were forced to

shoulder the bodies of murdered Soviet citizens and carry them out of the camp. Exhausted prisoners who fell by the way were shot on the spot. The road to and from work, according to a report of the Roman Catholic priest at Slavuta, was marked, as by milestones, with small grave mounds."

The fascist fanatics did not always have the patience to wait for the actual death of one or another prisoner of war, and they buried persons who were still alive. I quote from a document which I have previously submitted to the Tribunal. You will find this quotation once again on Page 153 of your document book:

"As a result of the discovery of a considerable quantity of grains of sand in the lower respiratory tracts of the corpses of four prisoners, grains which penetrated right down to the very smallest bronchial tube, and which could not have penetrated thus far unless propelled by the respiratory movements of persons smothered by sand, the medico-legal experts found that at the 'Gross-Lazarett' the guards of the commander had buried the Soviet citizens alive. This was done with the connivance of the German doctors."

Prisoner-of-war Pankin, a former inmate of the "Gross-Lazarett," knew of one case where, in February 1943, an unconscious patient was brought to the morgue. There he recovered consciousness, but when it was reported to the officer in charge of barracks that a live man had been taken to the morgue, he ordered him to be left there. The sick man was buried.

Some prisoners, spurred by the intolerable regime, ignored the immense risks attached to the venture and attempted to escape, either singly or in groups. Such martyrs who succeeded in getting out of the "hospital" hell sought refuge with the local population of Slavuta and the surrounding hamlets. The Hitlerite brutes mercilessly shot anybody who had rendered any kind of assistance to a fugitive.

The town of Slavuta lies in the Shepetov district. On 15 January 1942, the District Commissioner of Shepetov, Dr. Worbs, issued a special order to the effect that if those directly responsible for helping escaped prisoners were not found, 10 hostages would be shot in every case. Father Dhynkovsky reported that 26 peace-loving citizens were arrested and shot for helping prisoners of war flee.

A medical examination of the 525 prisoners liberated from the "Gross-Lazarett" revealed that 435 suffered from extreme exhaustion, 59 from complications following untended, infected wounds, and that 31 suffered from neuro-psychiatric disturbances.

The commission notes, and I quote—with the permission of the Tribunal—the last and the penultimate paragraphs of the left column, on Page 5 of our document. In your file this quotation is on Page 154 of the document book:

> "During the 2 years of Slavuta's occupation, the Hitlerites, with the connivance of the German doctors Borbe, Sturm, and other medical personnel in the 'Gross-Lazarett,' exterminated about 150,000 Red Army officers and men."

The German fascist executioners, perfectly aware of the unbounded bestiality of their crimes, attempted to conceal by all possible means the traces of the atrocities committed. They especially endeavored to camouflage the burial sites of the Soviet prisoners of war. Thus, for instance, on the cross of Grave Number 623, only eight surnames of persons buried were indicated, whereas upon excavation 32 bodies were actually found in that grave. Such, too, was the case when Grave Number 624 was opened up. In other graves, layers of earth were placed between several rows of corpses. For instance, 10 bodies were found in Grave Number 625. When a layer of earth, 30 centimeters thick, had been removed, two further rows of corpses were found in the same grave; the same occurred at the excavation of Graves Number 627 and 628.

Numerous graves were camouflaged by flower-beds, trees, plants, paths, *et cetera,* but no disguise can ever hide the bloody crimes committed by the Hitlerite evildoers.

If I am not mistaken, there was a case when one of the participants in these trials, evidently forgetting where he was and under what circumstances, expressed a wish to follow the procedure laid down by German law. The Tribunal immediately made the necessary inquiries, and the intention of operating in accordance with the standards of German law was, of course, promptly rejected. At present I am fully able to submit to the Tribunal documents which, in my opinion, are of importance in our case, although they are compiled in complete accordance with the rules laid down by German law.

Among the numerous documents found in the police archives of the town of Zhitomir, Red Army troops seized a certain piece of correspondence. This is a police inquiry. The authors of this document could not foretell that it would be read into the record at a session of the International Tribunal for the punishment of the major war criminals. The documents constituting this correspondence were intended exclusively for the chiefs of police, and they were compiled in accordance with all the customary requirements of German law and of the police investigations of fascist Germany. From this point of view, those who would like to examine the documentation in question can be well satisfied.

At the same time this correspondence is useful to us. So much has been said in the comparatively small number of pages that

I should have to analyze the documentation section by section in order that you could appreciate it fully and from every angle. I submit this correspondence to you both in the German photostats and in the Russian translation. I repeat—this is a police inquiry. The document is submitted to the Tribunal as Exhibit Number USSR-311 (Document Number USSR-311); and we have, in accordance with the wishes of the Tribunal, asked for the original copy which we may possibly receive from Moscow this very day.

On 24 December 1942, 78 prisoners of war from the Berditchev section of the Educational Labor Camp were to be subjected to "special treatment." All the 78 prisoners were Soviet citizens. There is, in the correspondence, a report addressed to the authorities by SS Obersturmführer Kuntze, of 27 December 1942. You will find it on Page 170 of your document book. At the end of the first paragraph there is one sentence which, for greater clarity, has been marked with a red pencil. It says:

> "There is no proof that these prisoners of war had ever participated in any communistic activities during the time of the Soviet regime."

Kuntze's next sentence fully elucidates the question of how and why these prisoners of war entered the Educational Labor Camp. He states:

> "It seems that the Wehrmacht had, at the time, placed these prisoners of war at the disposal of our local authorities for special treatment...."

We became convinced that they had been directed to this camp by the military authorities. The specialist—in this case undoubtedly Obersturmführer Kuntze—states that they were sent here especially to be subjected to the treatment of the "special regime."

In an attempt to shorten, if ever so slightly, this very abundant documentation which forms the correspondence, I shall tell you, in my own words, that the 78 people in question were all that remained of a far larger group. Sturmscharführer SS Fritz Knop reports—Page 163 of your document book:

> "...some of the prisoners at that time were transported in a truck, to some place in the neighborhood and unloaded. Later on further unloadings of prisoners of war were suspended, following objections raised by the Army."

A little later I shall be more explicit when dealing with the nature of these transfers and the objections raised by the Army. Please permit me now to pass over to a brief summary of the gist of the matter. It appears to me more useful to describe it in the words of one of the documents. I quote:

"Commander of the Security Police and SD in Zhitomir; Berditchev, 24 December 1942.

"When summoned to appear, SS Sturmscharführer and Chief Secretary of the Kripo, Fritz Knop, complied. He was born on 18 February 1897, at Neuklinz, in the district of Köslin. Fritz Knop testified as follows:

" 'As from the middle of August I was head of the Berditchev field office of the commander of the Security Police and SD in the town of Zhitomir. On 23 December 1942 the Deputy Commander, Hauptsturmführer of the SS Kallbach, inspected the local office and also the Educational Labor Camp which was supervised by my office. In this Educational Labor Camp, as from the end of October or the beginning of November, there were 78 former prisoners of war who had been dismissed from the permanent camp (Stalag) in Zhitomir as being unfit for work. A considerable number of prisoners of war had, in the past, been handed over and placed at the disposal of the Commander of the Security Police and SD."

I think there is no necessity to explain in detail that the transfer of the prisoners of war and the placing of them at the disposal of the Security Police had been provided for by special directives of the SS and the SD, especially referring to persons condemned to physical extermination. I quote further, on the same page of your document book, 163:

"In Zhitomir a few of them, who up to a certain point were fit for work, had been set aside. The remaining 78 persons were transferred to the local Educational Labor Camp."

I omit two more extracts.

"The 78 prisoners of war in the local camp were, one and all, severely wounded men. Some had lost both legs; others both arms; others again had lost one or the other of their limbs. Only a few of them had all their arms and legs, although they were so mutilated by other kinds of wounds that they were totally unfit for work. The latter had to nurse the former.

"At the time he was inspecting the Educational Labor Camp on 23 December 1942, SS Hauptsturmführer Kallbach issued an order to the effect that the surviving 68 or 70 prisoners of war, the others having died in the meantime, should this very day be subjected to 'special treatment.' For this purpose he assigned a motor truck, driven by SS man Schäfer from the command division, who arrived here today at 1130 hours. I entrusted the preparations for the execution early this morning to my colleagues in the local administration,

> SS Unterscharführer Paal, SS Rottenführer Hesselbach, and SS Sturmmann Vollprecht."

I shall, with your permission, omit a further part of the quotation which, in any case, already figures in your files. I think I may safely do so in order to save time. It is a description of the technical preparations for the execution. One passage, however, does appear to me to be of interest; and I quote:

> "Usually the execution of the Jews was carried out in the precincts of the labor camp which could not be seen from the outside. For this particular execution I issued orders to choose a site outside on a terrain behind the permanent camp. Concerning the three above-mentioned persons whom I entrusted with the shooting of the prisoners of war, I knew that they had, in Kiev, participated in the mass executions of many thousands of persons and that they had before, that is during my time of service, been entrusted by the local administration with the shooting of many hundreds of victims."

I should like to invite your attention to another instance which again shows the meaning which the Hitlerites usually attached to the words "execution" and "treatment by special regime." Here, in one sentence alone, the words "mass execution" and "shooting" are definitely used as synonymous terms, while a little higher up it is made quite clear to us what "transporting by trucks to some place in the neighborhood" and "treatment by special regime" mean. Unquestionably, these four terms have an identical significance.

After this digression I continue my quotation. Having made a few more omissions from the passage already printed in your document book, I proceed to the following paragraph, your Page 165, if only to maintain the sense of the statement:

> "They were armed with a German submachine gun, a Russian automatic rifle, an 0.8 pistol, and a carbine. I would point out that I had intended to give these three persons, as an assistant, SS Hauptscharführer Wenzel, but SS Sturmmann Vollprecht declined, remarking that three men were perfectly able to execute this order.
>
> "Concerning the indictment: It never entered my head, to ensure the smooth procedure of an ordinary execution, to send a larger detachment, since the execution ground was hidden from public view and the captives were..."

THE PRESIDENT These words "Concerning the indictment," are they in the original document?

COL. POKROVSKY: It is the text of the explanation of the evidence which the signatory of the document handed to his police chief. I, with the permission of the Tribunal, shall quote the original German documents of the inquiry. The persons responsible for carrying out the execution were accused of provoking, by their indiscretion and carelessness, that which they called an "incident" and they produced an explanation of the cause of this indictment.

> "Concerning the charge: It never entered my head, to ensure the smooth procedure of an ordinary execution, to send a larger detachment, since the execution ground was hidden from public view and the captives were unable to escape by reason of their physical infirmities.
>
> "At about 1500 hours I received a telephone call from the camp to the effect that one of the co-workers in my department, in charge of this special task, had been wounded and that one man had run away. I promptly sent SS Hauptscharführer Wenzel and SS Oberscharführer Fritsch to the execution ground in a horse cart. Some time later I received another telephone call from the camp, informing me that the co-workers of my department had been killed."

I think it useless to read into the record details of a purely technical nature. I shall omit at this point a considerable part of those references which I had previously intended to quote, and I shall proceed to that part of Knop's evidence which he had handed to his police chief. You will find the passage in question on Page 166:

> "I wish to point out that the incident I have described took place during the second execution. It had been preceded by the shooting of approximately twenty prisoners of war which had passed without any incident at all. As soon as I returned, I informed the command headquarters at Zhitomir accordingly.
>
> "I cannot give any further evidence. I declare that my evidence is absolutely true and I am aware that any false evidence on my part would result in punishment and in exclusion from the SS.
>
> "Signed: Fritz Knop, SS Sturmscharführer; certified: Kuntze, SS Obersturmführer."

Next to be interrogated was the executioner. We have at our disposal a document on this subject. You will find the extract in question on Page 166 of your document book. I quote the minutes of the inquiry:

> "SS Rottenführer of the Waffen-SS, Hesselbach, Friederich, born 24 January 1909 in Freudingen, district of Wittgenstein (Westphalia), was then summoned and testified as follows:
>
> " 'I have been informed concerning the subject of the forthcoming interrogation. It has been pointed out to me that any

> false statements on my part will result in punishment and expulsion from the SS.' "

After this routine part of the investigation—where he was warned of the penalties awaiting him—Hesselbach gave the following testimony on the matter:

> "Yesterday evening I was told by SS Unterscharführer Paal that I would have to take part in the execution of prisoners of war. Later on I received a corresponding order from Hauptscharführer Wenzel, in the presence of SS Sturmscharführer Knop. This morning, at 0800 hours, SS Hauptscharführer Berger, SS Unterscharführer Paal, SS Sturmmann Vollprecht, and myself, drove in a truck lent us by the tannery and driven by a Ukrainian driver, to a place situated approximately one and a half kilometers behind the camp, in order to dig a pit, with eight inmates of our prison."

Later he describes the digging of the pit. I think that we can skip that part. Then they returned.

> "At the entrance to the camp, Vollprecht, acting on Paal's instructions, left the car. By these instructions Paal intended not to betray our intentions to the prisoners by the presence of a large number of SS men. Therefore, only I, Paal, and a few militia men loaded the prisoners onto the truck. On Paal's order, the whole first group consisted almost exclusively of the prisoners who had lost their legs."

I omit a few extracts which are of no interest to the Tribunal and I quote from Page 6 of the Russian translation, the underlined passages, printed on Page 168 of your document book:

> "After having executed the first three prisoners I suddenly heard shouting beyond the pit. Since the fourth prisoner was already next in line, I shot him on the spot, and looking up, I noticed a terrific disturbance near the truck. A moment before already I had heard some shots being fired and I now saw the prisoners running away in all directions. I cannot give any precise particulars as to what actually happened near the truck, since I was about 40 to 50 meters away from the place and everything was very confusing. I can only say that I saw two of my comrades lying on the ground, and two prisoners shooting at me and the driver with the firearms they had seized. When I realized what was happening, I fired the four remaining cartridges in my magazine at the prisoners shooting at us, put in a new clip, and suddenly noticed that a bullet had struck the ground near me. I had the feeling that I had been hit, but realized later that I was wrong. I now ascribe this sensation to nervous shock. Anyway, I was shooting at the fugitives with the cartridges from

> my second clip, though I cannot tell whether I hit any of them."

I would inform you that the last part of Hesselbach's testimony deals with the subject of organizing the search for the scattered cripples, a search which yielded no results.

Finally, I would like to quote a few excerpts from the last document in the correspondence. This is a report of SS Obersturmführer Kuntze. It concludes with the statement that the funeral of the SS men killed took place at 1400 hours at the Police and SS Heroes' Cemetery in Hegewalde. It seems to me that this detail is of a certain interest. I shall now quote the opening part of the above-mentioned report. I shall omit the first report already appearing in your document book, in order to shorten the time taken by my work. He reports that 78 people were supposed to have been killed after the inspection of the camp by Kallbach. Because of their inability to work, these prisoners of war were a burden to the camp.

> "For this reason, SS Hauptsturmführer Kallbach ordered the execution of the former prisoners of war, and that on 24 December. Neither in the local nor in the regional offices could anybody discover why the former commandant had taken charge of these crippled prisoners and sent them to the Educational Labor Camp. In this case there did not exist any data whatsoever concerning communistic activities of the prisoners in question during the entire period of the Soviet regime. Evidently the military authorities have, in their own time, placed these prisoners at the disposal of the local branch in order to submit them to the 'special regime,' since owing to their physical condition, they could not be made to work.
>
> "So SS Hauptsturmführer Kallbach ordered the execution for 24 December. On 24 December at about 1700 hours, the head of the Berditchev regional office, SS Sturmscharführer Knop, telephoned that during the execution of the 'special regime' operation, the two officials of the branch, SS Unterscharführer Paal and SS Sturmmann Vollprecht, were assaulted by the prisoners and killed with their own firearms."

I shall now omit a considerable part of SS Obersturmführer Kuntze's idle talk and shall quote only three more paragraphs. You will find them on Pages 172 and 173:

> "Thus, of the 28 prisoners, 4 were shot in the pit and 2 while trying to escape; the remaining 22 managed to get away.
>
> "The efforts to recapture the fugitives, promptly undertaken by SS Rottenführer Hesselbach with the help of the guards

> from the neighboring camp, were expedient though unsuccessful. The head of the Berditchev Department ordered an immediate search for the fugitives and instructed all the police and military agencies to this effect. However, the names of the fugitives are unknown and this fact alone would render the search more difficult. The records merely contained the names of all the prisoners subjected to the 'special regime' and it was therefore necessary to declare as escapees even those who had already been shot.
>
> "On 25 December, on the same spot, a 'special regime' execution of the 20 surviving prisoners of war was carried out under my direction. As I feared that the fugitives might already have established contact with some partisan unit, I again had the camp send a detachment of 20 men, armed with light submachine guns and carbines, in order to guard the surrounding territory. The execution went off without any trouble."

It is enough to imagine these 20 unfortunate men, without arms, without legs, being escorted to their death by a strong contingent of SS men and soldiers, soldiers armed with submachine guns. I continue:

> "As a measure of reprisal I ordered the military police to check up on all released prisoners of war in the adjoining regions to ascertain their political activities during the entire period of Soviet rule, so as to arrest and submit to the 'special regime' 20 activists and members of the Communist Party."

To conclude the presentation of the evidence pertaining to this monstrous crime of the Hitlerites, I should like to invite the Tribunal's attention to certain facts.

I would, first of all, like to refer to the "objections raised by the Army," reported by the member of the SS, Knop. Knop said—you will find the passage quoted on Page 163:

> "In the future all evacuations of prisoners of war will be suspended due to objections raised by the Army. I do not wish my words to be misunderstood. The Army did not so much object to such evacuations, rather it expressed the wish that the prisoners of war, once they had been released and sent elsewhere, should be given some kind of shelter."

It is not difficult to guess what "shelter" he was referring to. It was the "shelter" provided when, in the words of Knop, they were "transported in a truck to a place in the neighborhood."

The second fact which, to me, appears of importance, is the scale of the outrages committed. Referring to the executioners, Paal, Hesselbach, and Vollprecht, Knop writes:

> "With reference to the three above-mentioned persons whom I entrusted with the shooting of prisoners of war, I knew that they had, in Kiev, participated in the mass executions of many thousands of persons and that they had already before, that is, during my period of service, been entrusted by the local administration with the shooting of many hundreds of victims."

In reference to Hesselbach, I should like to note two not very important but extremely characteristic traits. The first is his terminology. Here are his words:

> "After having executed the first three prisoners I suddenly heard shouting beyond the pit; since the fourth prisoner was already next in line, I shot him on the spot."

Any bandit, any habitual murderer would, naturally, use such language in speaking of the destruction of a human being. For the fascist executioners the murder of a soldier who had honestly fought for his country and become an invalid, the brief expression "shot on the spot" is good enough; when occupied in killing, the executioners do not even consider it necessary to find out whom they really are murdering. Thanks to this, shame and confusion cover the police. They order a search both for those who had escaped and for those who were shot.

Secondly, the very sound of a bullet passing nearby gives him a sensation of being wounded, and people of this type are then called "heroes" by their superiors.

It would be an omission on my part not to emphasize the exceptional brutality displayed by Kuntze—this typical representative of the SS. Twenty persons captured at random, captured anyhow, without any fault on their part, must be murdered. What for? Only because 22 armless and legless invalids had succeeded in escaping from death.

The Tribunal, of course, is quite aware of the fact that by all the laws of God and man these 22 invalids should not have perished by the hand of the executioner, but should have been placed under the protection of the German Government as prisoners of war.

The confession of Kuntze, concerning the motives for which the military authorities directed invalids to the camp for treatment by "special regime," is of particular value. He frankly states that the cause of it was their physical condition which had rendered them unfit for any kind of work. In this connection I submit a series of documents to the Tribunal. They show that only from the angle of possibility of obtaining slaves were the representatives of the German Command and the German authorities occasionally interested in the prisoners of war. You have in your possession a circular of the Supreme Command of the Armed Forces to the effect that Soviet prisoners of war should be branded and that this branding would not be considered as a medical measure. I am submitting to you another equally shameful document. It bears the following identifying marks: Az. 2,24.82h, Commander of Camps for Prisoners of War, Number 3142/42; Berlin-Schöneberg; 20.7.1942; 51, Badensche Strasse. This document is Exhibit Number USSR-343 (Document Number USSR-343). I shall not read it into the record. It resembles identically those which I have already read into the record. But it is characteristic of the extent to which the Hitlerite conspirators had abandoned the thesis that "a state can do everything which is necessary to hold prisoners of war in their own safekeeping, but it cannot do anything more."

A regime based on hard labor, on an unending stream of insult and torture, drove Soviet people to manifestations of stark despair, such as attacks on camp guards who were armed to the teeth. We know of such truly heroic deeds. Testimonies of eyewitnesses are in our hands. I am submitting to you, as Exhibit Number USSR-314 (Document Number USSR-314), the personally written testimony of the witness, Lampe—you interrogated him a few days ago in this court—together with the testimony of the witness, Ribol—our Exhibit Number USSR-315 (Document Number USSR-315). I shall read out such passages of the testimony as appear on Page 348 of your document book. These witnesses reported that in the beginning of February 1945, in the extermination camp of Mauthausen, 800 Red Army prisoners of war who were interned there, had broken out of the fascist hell after first disarming the guards and piercing the electrified barbed wire. Lampe testifies how brutally the SS treated those whom they were able to recapture. I am quoting a few lines:

> "All those who returned to the camp were savagely tortured and then shot. I myself saw the escaped prisoners, who were being brought back to Block Number 20."—I wish to interpolate that Block 20 was the death block.—"They were beaten and the head of one of them was badly bleeding. They were followed by 10 SS men, among whom were three or four officers. They carried whips and were laughing loudly, giving the impression of pleasurably anticipating the tortures they were going to inflict upon the three unfortunate prisoners. The courage of the insurgents and the cruelty of the repression have left an undying impression on all the internees of Mauthausen."

The fascist conspirators behaved with equal hatred toward all Soviet citizens. If any altercations ever arose among them, they would only be in connection with the methods of destruction to be inflicted on their victims. Some strove to kill off the prisoners immediately; others deemed it wiser to exploit their prisoners' blood and strength in the mills, factories, military workshops, and in the construction of military undertakings.

Any long war is responsible for labor shortage in industry and agriculture. Fascist Germany solved this problem by importing white male and female slaves. The greatest number of them were prisoners of war. They were sent to heavy labor where masses perished from exhaustion, overwork, hunger, and savage treatment by the guards.

I submit to the Tribunal Document Number 744-PS, and quote the following three paragraphs:

> "To carry out the augmented iron-steel industry program, the Führer ordered on 7 July that a sufficient coal supply be guaranteed and that prisoners of war be utilized for this purpose."

I am omitting several sentence from the documents dealing with the technicalities of this question and quote Point 2 of this directive:

> "2. All Soviet prisoners of war, captured since 5 July 1943, are to be sent to the OKW camps and from there directly, or by way of labor exchange, put at the disposal of the Plenipotentiary for the Allocation of Labor, for use in the coal mining industry."

The fourth point is of special interest. It contains a definite directive on how to convert all men between the ages of 16 and 55 into prisoners of war. I quote Point 4:

> "4. All male prisoners between the ages of 16 and 55, captured in battles with the partisans in the operational area of the Army, of the eastern commissariats, of the Government General, and of the Balkans, are to be regarded in the future as prisoners of war. The same applies to men in newly conquered districts of the East. They must be sent to the prisoner-of-war camps and then to work in Germany."

The second document, Number 744-PS, issued by the Chief of the OKW on 8 July 1943, duplicates this directive. The document is signed by Keitel. There is a postscript to the text of the document which was signed by Keitel. It is addressed to all the higher authorities of the SS and is signed by Himmler. The text has already been read into the record on 20 December 1945; I shall therefore refer only to the contents. It concerns the transportation of children, old people, and of young women. Himmler indicates how and by what methods they should be sent to Germany through Sauckel's organization. In this case, too, Himmler, Keitel, and Sauckel act in perfect agreement, almost as a single entity.

I consider Exhibit Number USSR-354 (Document Number USSR-354) to be of primary importance. It is a report on the prison camp in Minsk. The report was compiled in Rosenberg's office on 10 July 1941.

THE PRESIDENT: Has it been put in already?

COL. POKROVSKY: This document has not yet been read into the record. Permit me, Your Honor, to read a few excerpts. I quote Page 183:

> "The prison camp in Minsk, covering a space about the size of the Wilhelmsplatz, accommodates about one hundred thousand prisoners of war and forty thousand civilian prisoners. The prisoners, crowded together in this small space, can hardly move, and are therefore forced to relieve nature at the very place where they happen to be. The camp is guarded by a detail of soldiers on active duty, of company strength. Due to the small strength of the guard detail, the watch over the camp can only be accomplished by the application of brute force."

I omit a paragraph and turn to the page which continues the original idea:

> "The only possible language for a small guard, which remains on duty both day and night without being relieved, is the firearm, of which ruthless use is made."

Next, the authors of this document complain about the impossibility of carrying out the selection of prisoners according to physical and racial classification for various forms of hard labor:

> "On the second day this selection of civilian prisoners was forbidden to the O.T., referring to an order of General Field Marshal Kluge, according to which he alone had the right to release civilian prisoners."

I shall read into the record two documents demonstrating how the Hitlerites, in their hatred of the Soviet people, considered the regime of bestial cruelty and systematic insults which they had set up for the Soviet prisoners of war as being too mild, and demanded that it be made still more severe.

On 29 January 1943 an order was issued on the "Rights of Self-Defense against the Prisoners of War," under the signature of the Chief of the OKH. This order bears the number 3868/42, and is registered by the United States Delegation as Document Number 696-PS. We submit it to the Tribunal as Exhibit Number USSR-355, since it has not been read into the record. I shall read a few short extracts from this document. You will find the passage quoted on Page 185 of your document book. It starts as follows:

> "The military organizations and the organizations of the National Socialist Party have, on numerous occasions, raised the question of the treatment of the prisoners of war, and they are of the opinion that the punishments provided for by the 1929 Agreement (H. Dv. 38/2) are inadequate."

This document explains that the previous agreement regarding the treatment of all prisoners of war, with the exception of Soviet nationals, remains in force. The Order Number 389/42-S issued by the OKW Section for Prisoners-of-War Affairs, determines the treatment of the latter. This order was issued on 24 March 1942.

The second document is the circular of the Nazi Party bureau, submitted as Order Number 12/43-S. This circular, signed by Bormann, was issued by the chief of the Party bureau, at the Führer's main headquarters on 12 February 1943. The circular was sent out by the Reichsführer to the Gauleiter and to the commanding officers of military units. It speaks of Secret Order Number 3868/42-S of the Chief of the General Staff. It is therefore proved once more, and proved beyond any manner of doubt, that the leaders of the Nazi Party and the military command bear equal responsibility for the atrocities perpetrated on the Soviet prisoners of war.

The Navy regulations regarding prisoners of war remain in force for all but Soviet prisoners, and where the Soviet prisoners were concerned the "regulations of the OKW" which I have already mentioned, "remain in force."

Thus, absolute criminal agreement between the Party leaders and the OKW can be considered as existing as I already have shown to the Tribunal. I stress the circumstance and I would remind you that all this happened in the country whose representative had declared as far back as 1902:

> "The only purpose in capturing prisoners of war is to prevent their further participation in the war. Although prisoners of war lose their freedom, they do not lose their rights. In other words, captivity is not an act of mercy on the part of the conqueror. It is the right of the disarmed soldier."

THE PRESIDENT: Colonel Pokrovsky, we have had that document read to us more than once.

COL. POKROVSKY: I am not rereading it. I am merely recalling its contents.

THE PRESIDENT: I think you must give the Tribunal credit for some recollection. As I say, that document has been read more than once before.

COL. POKROVSKY: We have at our disposal an official note signed by Lammers. This document is registered under Document

Number 073-PS. We submit it to the Tribunal as Exhibit Number USSR-361—it has not yet been read into the record. The document states—you will find this excerpt on Page 191 of your document book:

> "1. Prisoners of war are foreigners. Influencing them is the task... of foreign propaganda and therefore the task of the Foreign Office."

I omit a few sentences.

> "Excepted from this ruling are the Soviet prisoners who are placed under the control of the Reich Minister for the Occupied Territories of the East because the Geneva Convention is not valid for them and because they have a special political status."

In this connection, I wish to submit to you as Exhibit Number USSR-356 (Document Number USSR-356), another German document. It consists of notes composed at the headquarters of the Foreign Counterintelligence Office on the 15 November 1941 for the "OKW Chief of Staff." I shall read into the record a few extracts, of which you will find the opening lines on Page 192 of your document book:

> "The Geneva Convention regarding prisoners of war is not valid between Germany and the U.S.S.R. Therefore, the only rules in force are the principles of general international law regarding the treatment of prisoners of war, which since the 18th century have so developed that war captivity represented neither revenge nor punishment, but a security measure, the sole object of which was to prevent prisoners from further participating in the war. This principle developed in connection with the prevalent opinion that, from a military standpoint, the killing or wounding of prisoners was inadmissible. In addition, it is to the interest of each belligerent to be assured against ill-treatment of its soldiers in case of their capture. Appendix I states the directives, based on different premises as can be seen at the beginning of this paragraph, concerning the treatment of Soviet prisoners of war."

To save time I shall omit several sentences and shall read the end of the paragraph into the record:

> "...and, in addition, eliminated much which from past experience was considered not only as useful from a military viewpoint but as indispensable to the maintenance of discipline and high striking power.
>
> "The orders are drawn up in very general terms. But, if we bear in mind the ruling basic tendency, then the 'measures'

> permitted by these orders are bound to result in wanton and unpunished murder, even though officially the law of violence has been abolished.
>
> "This is obvious from the directive regarding the use of weapons against recalcitrance. The guards and their commanding officers, who often do not understand the language of the prisoner of war, will not be able to know whether the prisoners' disobedience was due to recalcitrance or to a misunderstanding of the orders. The principle that use of weapons against Soviet prisoners of war is, as a rule, justified absolves the guards from any duty of making reflections about their actions."

Omitting two paragraphs not directly relating to this matter, I quote as follows:

> "The organization of camp police equipped with clubs, whips, and similar weapons, even in camps where all labor is done by the prisoners, is against military rule and tradition. In addition the military authorities thus give into other hands the means for applying punishment without providing adequate control as to how these means are employed."

I wish to quote one more sentence taken from Paragraph 5 of these notes—you will find it on Page 194:

> "Appendix 2 contains a translation of the Russian decree regarding prisoners of war which is in accord with the basic principles of international law as well as with the rules of the Geneva Convention."

I shall refrain from quoting the rest of the document as it is of little interest. This document is signed by the Chief of the Foreign Counterintelligence Service, Admiral Canaris. It includes directives containing instructions relating to the treatment of Soviet prisoners of war, dwelling in detail on such sections which Canaris considered as violations of the basic principles of international law and of the Geneva Convention.

I should like to supplement this document with a few excerpts from the minutes of the interrogation by Dr. Wengler, a former counsellor of the Foreign Counterintelligence Service of the OKW. This document is submitted to the Tribunal as Exhibit Number USSR-129 (Document Number USSR-129). Wengler was questioned by me on 19 December 1945, and his testimony is important for purposes of evaluating the line of conduct both of the OKW and Keitel himself.

DR. NELTE: Mr. President, I ask that the document, Exhibit Number USSR-129, which the Russian Prosecutor intends to read, should not be read, but that the witness mentioned in this document, Dr. Wengler, be called personally to testify in Court, if the Soviet Prosecution is willing.

This document, USSR-129, is a record of an interrogation of Dr. Wengler, who was active in Counterintelligence Service in the OKW. It is a question of determining whether the nonapplication of the Geneva Convention as regards Russia is due to the fault of the German Government, the OKW, and the Defendant Keitel. I do not need to state that the clarification of this question is of the utmost significance in judging the responsible persons, not only because of the Counts in the Indictment, but because of the terrible guilt in face of the German people, if the testimony given by this witness should be true. The witness was interrogated in Nuremberg on 19 December 1945. Whether he is still here or in Berlin—he gave his address at the time of the inquiry—I cannot say. But I do believe that the basic decisions of the Tribunal concerning the interpretation of Article 21 of the Charter will justify my request in this respect since, firstly, the summoning of the witness from Berlin does not entail great difficulties, secondly we are concerned with a question of such tremendous significance, even in this setting, that the personal testimony and interrogation by this Tribunal should not be replaced by the mere lecture of the minutes of an inquiry.

THE PRESIDENT: Have you anything you wish to say in answer to that objection?

COL. POKROVSKY: With your permission I should like first of all, in order to clarify the matter, to ask where the witness actually is at the present moment? He is not in Nuremberg. He was brought here especially for this interrogation under the greatest technical difficulties. The interrogation was conducted according to all the rules of our judicial proceedings, so that this document could be submitted to the Tribunal and accepted as evidence, if the Tribunal so judges, according to Article 19 of the Charter.

All the problems concerning this subject, which were of interest to the Soviet Prosecution, are already sufficiently clear from the Document Number USSR-129, which we submit to you, and I see no possibility of having this witness brought here in the near future. Maybe the representatives of the Defense Counsel imagine that it is very easy to produce him, but I do not see any technical possibility of bringing him here a second time. And I repeat that, if the Tribunal does not consider it feasible to accept this document in the suitable manner in which we have formulated it, then we would even agree to refrain from submitting it as evidence and to replace it by other evidence—even though we believe it to be incorrect. But we consider it easier than to bring the witness here a second time. That is all I have to say in reply to this request.

THE PRESIDENT: Did you say that you could not bring the witness here, and that as you could not bring him here you would not press the introduction of the document?

COL. POKROVSKY: No, I put it differently. I said that we insist that this document be admitted, since the Tribunal has the right, according to Article 19 of the Charter, to accept this document as evidence. But if we were to choose between two possibilities, either by adding this evidence to the record or by summoning the witness a second time, the technical obstacles which prevent us from so doing would compel us, by preference, to accept the exclusion of this document from the record, in order to avoid any repetition of the difficulties already experienced. We consider that the document is quite correctly compiled, in accordance with all the rules of the Charter, and that the Tribunal should receive it as evidence according to Article 19 of the Charter.

THE PRESIDENT: The Tribunal would like to know first of all, why is it difficult or impossible to bring the witness to Nuremberg in the same way that he was brought to Nuremberg in December 1945; and secondly, has Dr. Nelte and have the other defendants' counsel got full copies in German of the document?

COL. POKROVSKY: Dr. Wengler was interrogated in his native German tongue. The original of his record, of his interrogation, has been submitted to the Tribunal in an adequate number of copies, which are at the disposal of the Defense Counsel.

As regards the technical difficulties, I cannot, at present, undertake to give the Tribunal a precise description of all the technical difficulties reported to me by my collaborators, since I can no longer remember them. But I do know that, when they were working on this matter, establishing the existence of the witness, searching for him, bringing him here, they—my collaborators—declared that they could do this once but that they would not be able to do it a second time. Consequently, Dr. Wengler, a free agent, was here in Nuremberg, not for 1 day, but for many days, precisely for the time needed adequately to clear up all the questions which were of interest to us and to interrogate him, since we foresaw the impossibility of summoning him a second time.

THE PRESIDENT: The Tribunal would like to know where the deponent, the witness, was brought from when he was brought to Nuremberg.

COL. POKROVSKY: From Berlin. He was brought the last time from Berlin.

THE PRESIDENT: Then is he now in Berlin?

COL. POKROVSKY: I do not undertake to answer this question now without making further inquiries. He is not interned.

THE PRESIDENT: Now, Dr. Nelte, do you want to say anything?

DR. NELTE: I should just like to refer to the last page of the minutes, where the address is given: Dr. Wilhelm Wengler, Berlin-Hermsdorf, Ringstrasse Number 32. We are simply concerned with the question: Which technical difficulties are involved to bring this witness from Berlin to Nuremberg a second time? Of course, I do not know whether the witness is in Berlin, but I assume that he is there.

THE PRESIDENT: The Tribunal will adjourn.

[A recess was taken.]

THE PRESIDENT: The Tribunal will allow the deposition to be put in evidence, should the Soviet Prosecutor decide to do so. If the document is put in evidence, the Tribunal will desire that the Prosecutor should secure the attendance of the deponent as a witness for cross-examination. If the Prosecution is unable to secure the attendance of the deponent as a witness, then the Tribunal will itself attempt to secure the attendance of the deponent as a witness, for cross-examination.

COL. POKROVSKY: I can report to the Tribunal that I attempted to employ the time spent by the Tribunal in deliberating this problem in discovering if we could bring this witness back again and that I did not receive a conclusive reply from my organization. According to the wish of the Tribunal, I shall omit the topic of his cross-examination and shall only refer to it again if I am informed by my collaborators that we can once more bring the witness before the Tribunal. This would seem to me in accordance with the wishes of the Tribunal.

THE PRESIDENT: Colonel Pokrovsky, I am not quite sure that you appreciated quite what I said. What I said was that you are at liberty to put in the document now, if you wish to do so. That is one thing. But, if you do so, you must attempt to secure the attendance of the witness, and should you fail to do so, the Tribunal will attempt to secure the attendance of the witness; but the document will still be in evidence and will not be struck out, although, of course, it will be open to the criticism that it is only a deposition or an affidavit and that the witness has not been produced for cross-examination and therefore the weight that attaches to the testimony will not be so great as it would be if the witness had been produced for cross-examination.

Is that clear?

COL. POKROVSKY: Wengler was interrogated by me...

THE PRESIDENT: I fear I used inaccurately the word "affidavit." It is only an interrogation. It is not made upon oath and that, of course, will be taken into consideration. But the point is that you can put in the document now if you decide to do so. That is a matter for your discretion. If you do so, you must attempt to secure the attendance of the witness for cross-examination. If you are unable to get him, then the Tribunal will attempt to get him here for cross-examination.

COL. POKROVSKY: When reporting to the Tribunal on the measures we had adopted, I started from the point of view that the Tribunal desired that each witness, whose testimony had been read into the record, could, if necessary, be summoned to appear before the Tribunal for a supplementary cross-examination. That is why I have already attempted to find out whether we can call up this witness now, and since I have not yet received any definite answer from our organization, I wish to invite the attention of the Tribunal to the possibility that we will simply abstain from mentioning these minutes now, as we only need them for the confirmation of one point, already confirmed by a document which has just been presented to the Tribunal. This is the report signed by Canaris. What is the meaning of Wengler's interrogation? The meaning of Wengler's interrogation is that it shows that the OKW knew of the treatment meted out to the Soviet prisoners. Canaris said the same.

THE PRESIDENT: I think you must decide, Colonel Pokrovsky, whether you wish to put in the document or not. If you wish to put in the document, you may do so, but I do not think it is right for you to state the contents of the document and at the same time not to put it in. If you wish to put it in, then you must try to secure the attendance of the witness, and if you cannot secure the attendance, the Tribunal will try to secure it.

COL. POKROVSKY: I consider that Wengler's testimony is not important enough for us to pay so very much attention to it. If we can find this witness, we shall examine him at a later date.

THE PRESIDENT: Very well.

COL. POKROVSKY: In the light of the documents read into the record, and also in view of the protest of the German prisoners of war in Camp 78, which shows how humanely the Soviet authorities treated German military prisoners of the German Army, the sentence from Appendix I of Operations Order Number 14 of the Chief of the Security Police and the SD, concerning the treatment of Soviet prisoners of war, is nothing less than a brazen insult. This sentence can be found on Page 7 of the document submitted to the Tribunal as Exhibit Number USSR-3 (Document

Number USSR-3). You will find it on Page 204 of your document book:

> "Thus the Bolshevik soldier has lost his right to be treated as an honest soldier and in accordance with the rules of the Geneva Convention."

I beg the Tribunal to recollect that the following directive, dated 7 November 1941, appears in Appendix II of Order Number 11 of the General Staff of the OKW. I quote from Exhibit Number USSR-3, extracts from which appear on Page 233 of your document book—last paragraph in the right column.

> "The work of the Special Squad, by license of the rear area commander (officer in charge of prisoner-of-war affairs of the district) must be done in such a way that the selecting and sorting out is practically unnoticeable. Executions must be carried out without delay, and at sufficient distance from the camp and from habitations to keep them secret from the other prisoners and the population."

These are the transfers of prisoners "to some place in the neighborhood" that Kuntze, the expert executioner, had in mind when he reported to his chiefs on the incidents which occurred during the execution of the 28 crippled prisoners of war.

Among the documents submitted to the Tribunal by the Soviet Delegation are data regarding the shooting, on 7 April 1945, at the Seelhorst Cemetery in Hanover, of 150 Soviet prisoners of war and civilians. We submit this data as Exhibit Number USSR-112 (Document Number USSR-112). You will find the data in question on Page 207 of your document book. They have been placed at our disposal by the American investigation authorities. They consist of a number of testimonies, including that of Peter Palnikov, a Red Army officer who had fortuitously escaped the execution. You will find the minutes to which I refer on the same page, 207 of your document book. We also have the testimonies of other members of the local population who had been questioned under oath by the American investigation authorities. Their evidence is corroborated by medical reports on bodies exhumed from the graves at Seelhorst Cemetery. In addition, we submit duly certified photographs.

I shall not read all these documents into the record but shall merely point out that the 167 corpses thus exhumed were specially noted in the concluding report of the commission, as enabling the commission to judge, from their appearance, of the "pronounced degree of insufficient nourishment."

This circumstance must be stressed so that the Tribunal may have a perfectly clear picture of the food situation prevalent among Soviet prisoners of war in the various camps. Regardless of the territory in which the camp was located, all Soviet prisoners of war were exposed to a regime of hunger with the same sustained and systematic cruelty.

While I am thus reporting on the Hitlerian atrocities perpetrated on the prisoners, I find that we now have at our disposal several court verdicts pronounced on the fascist criminals who committed their crimes in the temporarily occupied territories. In accordance with Article 21 of the Charter, I submit to the Tribunal as Exhibit Number USSR-87 (Document Number USSR-87) the verdict of a district military tribunal. You will find the entire verdict on Page 214 up to Page 221. It was pronounced in Smolensk, on 19 December 1945. The Tribunal inflicted penalties varying from 12 years hard labor to death by hanging, on 10 Hitlerites directly guilty of the numerous crimes committed in the city and region of Smolensk.

I shall not quote the document, but shall merely mention that on Pages 4, 5, and 6 of the verdict, in passages marked in your copies—these pages, that is, 4, 5, and 6 of the verdict, are to be found in your document book on Pages 218, 219, and 222—information is contained how, as a result of pseudo-scientific experiments on prisoners of war by persons who, to the undying shame of German medicine, were known in Germany as professors and doctors, tortured and murdered the prisoners by blood poisoning. The sentence presents further evidence that, as a result of savage ill-treatment by the German escort conveying Soviet prisoners of war, some 10,000 exhausted, half-dead captives perished between Vyasma and Smolensk.

It is precisely this passage, this information, which you will find in Subparagraph 3 of the verdict. It appears on Page 218 of your document book. The verdict reflects the systematic mass shooting of prisoners of war in Camp 126, in the city of Smolensk—"in Transit Camp 126 South"—during the transfer of the prisoners to the camp and to the hospital. The verdict particularly emphasizes the fact that prisoners of war, too exhausted to work, were shot.

I should now like to turn to the brutalities committed by the Hitlerites towards members of the Czechoslovakian, Polish, and Yugoslavian Armies. We find, in the Indictment, that one of the most important criminal acts for which the major war criminals are responsible was the mass execution of Polish prisoners of war, shot in the Katyn Forest near Smolensk by the German fascist invaders.

I submit to the Tribunal, as a proof of this crime, official documents of the special commission for the establishment and the investigation of the circumstances which attended the executions. The commission acted in accordance with a directive of the Extraordinary State Commission of the Soviet Union. In addition to members of the Extraordinary State Commission—namely Academicians Burdenko, Alexis Tolstoy, and the Metropolitan Nicolas—this commission was composed of the President of the Pan-Slavonia Committee, Lieutenant General Gundorov; the chairman of the Executive Committee of the Union of the Red Cross and Red Crescent, Kolesnikov; of the People's Commissar for Education in the R.S.S.F.R., Academician Potemkin; the Supreme Chief of the Medical Department of the Red Army, General Smirnov; and the Chairman of the District Executive Committee of Smolensk, Melnikov. The commission also included several of the best known medico-legal experts.

It would take too long to read into the record that precise and detailed document which I now submit to you as Exhibit Number USSR-54 (Document Number USSR-54), which is a result of the investigation. I shall read into the record only a few comparatively short excerpts. On Page 2 of the document, which is Page 223 in your document book, we read—this passage is marked in your file:

> "According to the estimates of medico-legal experts, the total number of bodies amounts to over 11,000. The medico-legal experts carried out a thorough examination of the bodies exhumed, and of the documents and material evidence found on the bodies and in the graves. During the exhumation and examination of the corpses, the commission questioned many witnesses among the local inhabitants. Their testimony permitted the determination of the exact time and circumstances of the crimes committed by the German invaders."

I believe that I need not quote everything that the Extraordinary Commission ascertained during its investigation about the crimes of the Germans. I only read into the record the general conclusions, which summarize the work of the commission. You will find the lines read into the record on Page 43 of Exhibit Number USSR-54 if you turn to the original document, or on Page 264 of your document book:

> "General conclusions:
>
> "On perusal of all the material at the disposal of the special commission, that is, the depositions of over 100 witnesses questioned, the data of the medico-legal experts, the documents and the material evidence and belongings taken from the graves in Katyn Forest, we can arrive at the following definite conclusions:
>
> "1. The Polish prisoners of war imprisoned in the three camps west of Smolensk and engaged in railway construction before the war, remained there after the occupation of Smolensk by the Germans, right up to September 1941.

"2. In the autumn of 1941, in Katyn Forest, the German occupational authorities carried out mass shootings of the Polish prisoners of war from the above-mentioned camps.

"3. Mass shootings of Polish prisoners of war in Katyn Forest were carried out by German military organizations disguised under the specific name, 'Staff 537, Engineer Construction Battalion,' commanded by Oberleutnant Arnes and his colleagues, Oberleutnant Rex and Leutnant Hott.

"4. In connection with the deterioration, for Germany, of the general military and political machinery at the beginning of 1943, the German occupational authorities, with a view to provoking incidents, undertook a whole series of measures to ascribe their own misdeeds to organizations of the Soviet authorities, in order to make mischief between the Russians and the Poles.

"5. For these purposes:

"a. The German fascist invaders, by persuasion, attempts at bribery, threats, and by barbarous tortures, endeavored to find 'witnesses' among the Soviet citizens from whom they obtained false testimony, alleging that the Polish prisoners of war had been shot by organizations of the Soviet authorities in the spring of 1940.

"b. The German occupational authorities, in the spring of 1943, brought from other places the bodies of Polish prisoners of war whom they had shot, and laid them in the turned up graves of Katyn Forest with the dual purpose of covering up the traces of their own atrocities and of increasing the numbers of 'victims of Bolshevist atrocities' in Katyn Forest.

"c. While preparing their provocative measures, the German occupational authorities employed up to 500 Russian prisoners of war for the task of digging up the graves in Katyn Forest. Once the graves had been dug, the Russian prisoners of war were shot by the Germans in order to destroy thus all proof and material evidence on the matter.

"6. The date of the legal and medical examination determined, without any shadow of doubt:

"a. That the time of shooting was autumn 1941.

"b. The application by the German executioners, when shooting Polish prisoners of war, of the identical method—a pistol shot in the nape of the neck—as used by them in the mass murders of the Soviet citizens in other towns, especially in Orel, Voronetz, Krasnodar and in Smolensk itself."

THE PRESIDENT: The Tribunal will now recess.

[The Tribunal recessed until 1400 hours.]

Afternoon Session

COL. POKROVSKY: Point 7 of the general conclusions of the Extraordinary State Commission of the Soviet Union, on which I reported in the preceding session, states:

> "The conclusions reached, after studying the affidavits and medico-legal examinations concerning the shooting of Polish military prisoners of war by Germans in the autumn of 1941, fully confirmed the material evidence and documents discovered in the Katyn graves.
>
> "8. By shooting the Polish prisoners of war in Katyn Forest, the German fascist invaders consistently realized their policy for the physical extermination of the Slav peoples."

Here follow the signatures of all the members of the Commission.

The Katyn massacres did not exhaust the Hitler crimes against the soldiers of the Polish Army. In the report of the Polish Government, submitted by me to the Tribunal as Exhibit Number USSR-93 (Document Number USSR-93), we find a series of proofs confirming the breach by the Hitlerite conspirators of the elementary rules of international law governing the customs and laws of war; on Page 36 of this report by the Polish Government—it is on Page 285 of your document book—we find, as an outstanding part of the material collected, the ill-treatment of prisoners of war and their extermination. It is said in the report—and I quote:

> "As and when the Polish officers and other ranks returned from German prisoner-of-war camps, we learn further details concerning conditions prevailing in the German camps. All these details undeniably prove the existence of a line of policy, instructions, and orders concerning the Polish prisoners of war. Ill-treatment, hardship, and inhuman conditions were of common occurrence. Murders and grievous bodily injuries were frequently encountered. A few examples confirmed by witnesses under oath are submitted later on."

I take the liberty of reading into the record some of the examples quoted in the Polish report. As a first example, I shall quote the description of an incident which occurred in a temporary prisoner-of-war camp in the city of Belsk. This material figures on Page 285 of your document book:

> "On 10 October 1939 the camp commandant assembled all the prisoners and ordered those who had joined the Polish Army as volunteers to raise their hands. Three prisoners obeyed his order. They were immediately led out of the rank and placed at a distance of 25 meters from a detachment of German soldiers armed with machine guns. The commandant gave the

> order to open fire. He then spoke to the remaining prisoners and told them that the three volunteers had been shot as an example to the others."

In this case we are not faced with the simple murder of three unarmed soldiers of the Polish Army...

THE PRESIDENT: Colonel, you forgive my interrupting you, but you remember that I have interrupted all the other prosecutors to point out to them that one opening speech had been made on behalf of their delegation, and that really their function was to present the documents.

Now, you have just presented a document which states that three volunteers were shot. I think that any comment upon that is really unnecessary.

COL. POKROVSKY: I now proceed to the quotation of the second excerpt on Page 37, Subparagraph d—Page 226 of your document book:

> "In the autumn of 1939 Camp (Stalag) VIII-S was established in Kounau, near Sagan on the River Bober, a tributary of the Oder. Depositions from this camp read as follows:
>
> "The camp in Kounau was an open space surrounded by barbed wire, with large tents, each holding 180 or 200 persons. In spite of very cold weather (the temperature was below 25 degrees centigrade) there was, in December 1939, no heating appliance whatsoever in the camp. Consequently, some of the internees suffered from frozen hands, feet, and ears. Since the prisoners had no blankets and since their uniforms were too worn out to protect them from the cold, disease broke out, while malnutrition resulted in extreme debility. Moreover, the guards constantly ill-treated the prisoners. They were beaten on the slightest pretext. Two men were especially noted for their brutality, Lieutenant Schinke and Sergeant Major Grau. They hit the prisoners in the face and beat them, broke their ribs and arms, and gouged out their eyes. Such inhuman treatment resulted in several cases of suicide and insanity among the soldiers."

I think we can now pass on at once to the general conclusions and to read into the Record to this end Subparagraph g on Page 39—Page 287 of the document book:

> "The above-mentioned treatment of Polish prisoners of war by individuals as well as by the German military authorities, flagrantly violated the articles of the Geneva Convention of 1929, Articles 2, 3, 9, 10, 11, 29, 30, 50, and 54. The convention in question had been ratified by Germany on 21 February 1934."

Soldiers of the Yugoslav Army, captured by the German troops, were subjected to unbridled ill-treatment by the fascist invaders. Ill-treatment, torture, and torment, together with mass executions were introduced as a part of the system. Here, too, the Hitler criminals were perfectly aware of what they were doing. To whitewash themselves, if only a little, in the eyes of the world, they referred in all documents concerning the destruction of Yugoslav prisoners of war, to the officers and men of the Yugoslav Army as "bandits."

The second paragraph from the bottom of Page 23 of the official Yugoslav report with regard to the above matter reads as follows—I quote Page 23 of Document Number USSR-305. This quotation begins on Page 326 of your document book:

> " . . . everywhere where the Germans used the so-called actions against 'bands and bandits' as a pretext for the annihilation of the civilian population (women, children, and old people), units of the Yugoslav National Army of Liberation and partisan units had actually been involved. . . .
>
> "Being under military command and wearing recognizable military emblems and insignia, they conducted an armed struggle against the fascist occupational forces and, moreover, they were fully recognized by all the Allies. Besides, we will see later on that on some of its documents, the German Command itself unmistakably recognized this fact; but in its attitude towards the Yugoslav warriors it continued unrestrainedly to violate the principles of the international laws of war."

As an additional confirmation of the report, the form of which is in accordance with the requirements of Article 21 of the Charter concerning the admissibility of evidence, I also submit to the Tribunal Document Number USSR-305. This is an excerpt from the report by the Yugoslav State Commission concerning the determination of crimes committed by the occupational forces and their accomplices. The State Commission reports that there is at its disposal a secret report by Lieutenant General Hoesslin, the officer in command of the 188th Mountain Infantry Reserve Division, numbered 9070/44. The report is of great importance because of the following considerations which I will explain to the Tribunal in the terms of Document Number USSR-305. I quote:

> "Although the report refers to our divisions, brigades, and artillery battalions under their proper names and proper numbers—in cases of military engagements—all our army is called in this report by the general name of 'bandits,' and for the very simple reason that by so doing they are attempting to divest us of the rights of belligerents, they themselves

> assuming the right to shoot prisoners of war, to kill the wounded, and to have a pretext for employing repressive measures against the peaceful non-combatant population, allegedly because of their assistance to the 'bandits.' Lieutenant General Hoesslin admits that the combat group of Colonel Christel after 'a night engagement with weak bandit forces'—these are the precise words of the report—'burnt down Laskovitz, Lazna, and Cepovan, and destroyed a hospital.'
>
> "In General Hoesslin's report it is further stated that the division, together with the 3rd Brandenburg Regiment and other German army and police units, participated in 'a free-for-all manhunt for bandits in the neighborhood of Klana' (Operation Ernst)...."

I submit to the Tribunal Exhibit Number USSR-132 (Document Number USSR-132), Page 363 of your document book. This represents an excerpt from the directives issued by Major General Kübler concerning the conduct of troops in action, an extract which was certified by the Yugoslav State Commission. I read these excerpts into the Record:

> "Secret; 118th Jäger Division; Abt Ic; Br. B. No. 1418/43 secret; Div. Hqs., 12. 5. 1943.
>
> "Directives for the Conduct of Troops in Action.
>
> "2. Prisoners:
>
> "Anyone having participated openly in the fight against the German Armed Forces and having been taken prisoner is to be shot after interrogation."

I further submit to the Tribunal Exhibit Number USSR-304 (Document Number USSR-304). This number has been given to the excerpt from Memorandum Number 6 of the Yugoslav State Commission for the determination of the crimes committed by the occupational forces and by their accomplices. In the last paragraph of Exhibit Number USSR-304—Page 2 of the Russian text—is stated as follows—your Page 365 of the document book:

> "On 3 May 1945 the Germans brought from one of the partisan hospitals 35 manacled patients and hospital orderlies. Ten of the patients who were unable to walk were stood against the wall and shot. Their bodies were piled in a heap, covered with wood and set on fire."

As Exhibit Number USSR-307 (Document Number USSR-307) I submit another extract from statement Number 6 of the same State Commission. This statement is found on Page 85 to 115 of the first book entitled "Memoranda on Crimes Committed by the Occupation Forces and their Accomplices." I shall now proceed to quote a part of this extract:

> "On 5 June 1944 Hitler's criminals captured two soldiers of the Yugoslav Liberation Army and the Slovene Partisan Detachments. They brought them to Razori, where they cut off their noses and ears with bayonets, gouged out their eyes and then asked them if they could see their Comrade Tito. Thereupon they assembled the peasants and beheaded the two victims in their presence.... They then placed both the heads on a table."

In accordance with their usual practice of photographing the bodies of their victims, the fascists then took photographs, and, as is further stated in the extract quoted by me:

> "Later, in the course of the fighting, the photographs were found on a fallen German. From this it can be seen that they confirm the above described incident at Razori."

These pictures will be submitted to the Tribunal together with other Yugoslav photographic evidence.

Under Document USSR-65(a) I submit to the Tribunal an announcement signed by the Commander of the SS and police detachments of the 18th Military District, SS Gruppenführer and Lieutenant General of Police, Rösener. I shall now proceed to read into the Record a part of this announcement. You will thus be able to see that the warriors of the Yugoslav Armed Forces who were taken prisoner were either hanged or shot. This document is on Page 367 of your document book, "In connection with the various clashes between police detachments and Yugoslav units..."

I skip several sentences of this document concerning a description of the encounters between detachments of Polish and Yugoslav units.

> "Eighteen bandits were recently killed in action and a considerable number taken prisoner.
>
> "The following bandits, who were among the prisoners, were publicly hanged at Stein on 30 June 1942...."

This statement is followed by the names of eight Yugoslav soldiers between the ages of 21 and 40 years. I will not read this list into the Record.

On Page 36 of our Exhibit Number USSR-36 (Document Number USSR-36)—your Page 339—the first paragraph from the bottom reads, "We can find the identical evidence in a collection of official notes on the staff conferences of Gauleiter Uiberreiter." Thus, for example, it is stated in the minutes of the conference held on 23 March 1942, "Fifteen bandits were executed in Maribor today." I omit some sentences from the minutes of the conference held on 27 July 1942, "Many bandits have been shot recently."

The minutes of the conference of 21 December 1941 contain a passage:

> "Since the bandits started their activities in July 1941, 164 bandits have been shot by the uniformed police and 1,043 by special procedure (Sonderverfahren)."

The minutes of 25 January 1943 state:

> "The number of guerilla troops liquidated on 8 January 1942 by the Security Police and the uniformed branch is 86, including wounded and prisoners, 77 of whom were killed."

Such notes can be found in almost every one of the minutes of these conferences held by Uiberreiter.

A certain number of prisoners of war who had escaped immediate annihilation were moved into special camps where they were gradually killed off by hunger and by exhausting heavy labor. I will now read into the Record the last paragraph on Page 37 of the report of the Yugoslav Government, which was previously mentioned by me and offered in evidence as Exhibit Number USSR-36. It is on Page 340 of the document book:

> "One such camp was established in 1942 at Boten, near Rognan. Nearly 1,000 Yugoslav prisoners of war were brought into this camp; and in the course of a few months all of them, to the last man, died of illness, hunger, physical torture, or execution by shooting. They were forced every day to do the very hardest work on a road and some dams. Their working hours lasted from dawn until 1800 hours, under the worst possible climatic conditions in this far northern part of Norway. During their work the prisoners were beaten incessantly and in the camp, itself, were exposed to terrible ill-treatment.
>
> "Thus, for example, in August 1942 the prisoners were ordered by the German staff of the camp to have all their hair removed from their armpits and around their genitals, as otherwise they would be shot. Not one prisoner received a razor from the Germans, though the Germans knew well that they had none. The prisoners spent the whole of the night plucking out their hair with their hands and assisting one another. However, in the morning the guards killed four prisoners and wounded three by rifle fire.
>
> "On 26 November 1943, German soldiers, in the middle of the night, broke into the hospital and dragged out into the courtyard 80 sick prisoners; after they had been forced to strip in the bitter cold, they were all shot. On 26 January 1943, 50 more prisoners died in torment from the beatings received. Throughout the winter many prisoners were killed in the following manner: They would be buried up to their waist in the snow, and water poured over them, so that they formed statues of ice. It was established that 880 Yugoslav prisoners

> of war were killed in the above-mentioned camp in various ways."

Further, on Page 38, Exhibit Number USSR-36 (Document Number USSR-36), information is contained of the shooting of Yugoslav prisoners of war in the camp at Bajsfjord, Norway. After 10 July 1942, when an epidemic of spotted fever broke out in the camp and spread to six others, the Germans found no other way of fighting this epidemic than by shooting all the patients. This was done on 17 July 1942. On the same page, 38, there is a reference to a Norwegian report of 22 January 1942, compiled on a basis of statements made by Norwegian guards of this camp who had fled. It is stated in this report that of 900 Yugoslav prisoners of war, 320 were shot, while the remainder, with a view to isolating them, were transferred to another camp, Bjerfjel. I will read into the Record Page 38 of Exhibit Number USSR-36, beginning with the fifth paragraph from the bottom, Page 341 of your document book:

> "When an epidemic of spotted fever broke out in the new camp, an average of 12 men a day were shot in the course of the following 5 to 6 weeks. By the end of August 1942 only 350 of these prisoners were returned to Bajsfjord, where German SS troops continued to exterminate them. In the end only 200 men remained alive and were transferred to camp Osen."

I will now skip two paragraphs and pass to the last paragraph of the same report:

> "On 22 June 1943 a transport containing 900 Yugoslav prisoners arrived in Norway. Most of them were intellectuals, workers and peasants, and prisoners from the ranks of the former Yugoslav Army or else captured partisans or men seized as so-called 'politically suspicious elements.' Some of them—about 400—were placed in the still unfinished camp at Korgen, while the other group of about 500 was sent 10 to 20 kilometers further on to Osen. The commandant of both camps, from June 1942 until the end of March 1943, was the SS Sturmbannführer Dolps....
>
> "Men were constantly dying of hunger. Forty-five were placed in a hut which normally accommodated six men only.... There was no medicine.... They worked under most difficult conditions on road building, in the bitter cold, without clothing and caps, in the wind and rain, 12 hours a day.
>
> "The prisoners in the camp at Osen used to sleep in their shirts without any underpants, without any cover whatsoever, on the bare boards. Dolps personally visited the huts and carried out inspections. The prisoners who were caught sleeping in their underpants were killed on the spot by Dolps

> with his submachine gun. In the same manner he killed all those who appeared on parade, which he reviewed personally, in soiled underwear.... By the end of 1942 only 90 still remained alive of the first group of 400 in Korgen. Out of about 500 prisoners who were taken to the camp of Osen by the end of June 1942, there were, in March 1943, only 30 men left alive."

I will read into the record an excerpt from Page 39, Exhibit Number USSR-36 beginning with the third paragraph from the bottom, Page 342 of your document book:

> "Besides this terrible treatment of the captured soldiers of the Yugoslav National Army of Liberation and the Partisan Detachments, the Germans also treated prisoners of war from the ranks of the old Yugoslav Army in complete contravention of international law and contrary to the Geneva Convention on the Treatment of Prisoners of War, of 1929. In April 1941, immediately after the occupation of the Yugoslav territory, the Germans drove into captivity in Germany about 300,000 noncommissioned officers and men. The Yugoslav State Commission has at its disposal much evidence of the unlawful ill-treatment of these prisoners. We shall give here a few examples only.
>
> "On 14 July 1943 in the officers' SS camp at Osnabrück, 740 captured Yugoslav officers were separated from the remainder and placed in a special penitentiary camp called Camp D. Here they were all crowded together in four huts; all contact with the rest of the camp was prohibited. The treatment of these officers directly contravened the provisions of the Geneva Convention even more so than the treatment of the other prisoners. In this penitentiary camp were placed all those whom the Germans considered as supporters of the National Liberation movement and against whom they very frequently applied measures of mass punishments.
>
> "The Germans gambled with the lives of the prisoners and frequently shot them from sheer caprice. Thus, for instance, at the aforesaid camp at Osnabrück, on 11 January 1942, a German guard fired at a group of prisoners, severely wounding Captain Peter Nozinic. On 22 July 1942 a guard fired on a group of officers. On 2 September 1942, a guard fired on the Yugoslav lieutenant, Vladislav Vajs, who was incapacitated by a wound he had received some time before. On 22 September 1942, a guard from the prison tower again fired on a group of officers. On 18 December 1942 the guard fired on a group of officers because, from their huts, they were watching some English prisoners passing by. On

20 February 1943 a guard fired on an officer merely because this officer was smoking. On 11 March 1943 a guard opened fire on the doors of a hut and killed General Dimitri Pavlovic. On 21 June 1943 a guard fired at the Yugoslav lieutenant colonel, Branko Popanic. On 26 April 1944 a German noncommissioned officer, Richards, fired on Lieutenant Vladislav Gaider, who subsequently died of his wounds.

"On 26 June 1944 the German captain, Kuntze, fired on two Yugoslav officers, severely wounding Lieutenant Djorjevic.

"All these shootings were carried out without any serious reasons or pretext and only as a result of brutal orders issued by the German camp commandants, who threatened that firearms would be used even in the case of the most insignificant offenses.

"All these incidents occurred in one single camp. But this was the treatment applied in all the remaining camps for Yugoslav officers and soldiers—captives in the hands of the Germans."

A certain incident is described in the Czechoslovak Government report which I should like to mention here. Its importance lies not in the fact that it throws a new light on the methods employed in fascist crimes but that it took place at the time when the Hitlerites clearly realized that their days were numbered. This incident is described in Appendix 4 to the Czechoslovak Government's report, and I shall describe it briefly and in my own words.

There was an airfield at Gavlichkov Brod at which various military installations were located, while the former lunatic asylum was used as an SS hospital. When the question arose regarding the formalities for the surrender of the German military units at the airfield—in 1945—Staff Captain Sula with one of his fellow officers as official representative of the Czechoslovak Army took himself to the airfield. Neither of them ever came back. Later the airfield and the hospital were occupied by the Czech national units and an investigation was carried out. It showed that the negotiators, together with six other persons who had previously disappeared at Gavlichkov Brod, were taken by the Germans to the SS hospital where they were subjected to cruel tortures. In the case of Captain Sula the Germans cut out his tongue, gouged out his eyes, and cut his chest open. The others suffered similar treatment. Most of them had been castrated. I am in possession of photographic evidence in support of this fact which I am submitting to the Tribunal.

My presentation has lasted several hours. But surely, neither time nor any word of living human speech will ever suffice to describe even a thousandth part of the sufferings borne by the soldiers of my fatherland and of the other democratic countries who had the misfortune of falling into the hands of the fascist executioners.

I have only been able to show the Tribunal, in a very condensed form, the manner in which the monstrous fascist directives regarding the ill-treatment of prisoners of war and their mass extermination were carried out, an ill-treatment before which the horrors of the Middle Ages pale.

We shall here attempt, if only quite briefly, to fill in the gaps. In tens of thousands the witnesses will pass before your eyes. They have been called before the Tribunal to testify in this case. I cannot summon them by name, no oath will you ever administer to them and yet their evidence will never be denied—for the dead do not lie. Most of the films pertaining to German atrocities which will be presented by the Soviet Prosecution pertain to crimes against prisoners of war. The silent testimony of the helpless prisoners burned alive in hospitals, of prisoners mutilated beyond all recognition, of prisoners tortured and starved to death will, I am certain, be far more eloquent than any word of mine.

Blood drips from the hands of the accused—the blood of the victims of Rostov and Kharkov, the martyrs of Auschwitz and all the extermination camps created by the Hitlerites. Treacherously the enemy attacked our country. The people rose in arms to defend their mother country, her freedom, and her independence, the honor and lives of their families. They joined the ranks of the fighting men. They fell into the hands of the enemy. Now see how the enemy dishonored them when they stood helpless and unarmed.

So may these major criminals, who bear the main responsibility for the evil deeds of the fascists, be forced to answer to the martyrs to the full extent of the law of international justice for the indescribable atrocities which you will see with your own eyes, and for the many other crimes which will forever remain unknown.

Allow me to present to the Tribunal Chief Counsellor L. N. Smirnov, Assistant Prosecutor for the U.S.S.R., who will submit to the Tribunal the documentation pertaining to the crimes committed against the civilian population of the U.S.S.R., Yugoslavia, Poland, and Czechoslovakia.

CHIEF COUNSELLOR OF JUSTICE L. N. SMIRNOV (Assistant Prosecutor for the U.S.S.R.): Your Honors, my problem today consists of presenting to you the written documents and other judicial evidence testifying to the very grievous crimes committed by the Hitlerian conspirators against the peaceful population in the territories of the U.S.S.R., Yugoslavia, Poland, and Czechoslovakia when under temporary occupation.

The number of such depositions at the disposal of the Soviet Prosecution is unusually great. Suffice it to say that in the reports of the Extraordinary State Commission of the Soviet Union for the determination and investigation of the atrocities of the German fascist invaders and the accomplices, there are 54,784 reports of the crimes by the Hitlerian criminals, directed against the peaceful citizens of the Soviet Union.

But even these documents do not, by a long way, cover all the crimes perpetrated by these war criminals against the peaceful population. The Soviet Prosecution asserts and I submit to the Tribunal evidence to this effect, that along the entire length of the far-flung front, from the Barents to the Black Sea, and throughout the entire depths of the infiltration of the German hordes into my mother country, wherever the German soldier or the men of the SS set foot, crimes of unspeakable cruelty were committed and the victims of these crimes were the women, the children, and the old.

The crimes of the German fascist criminals became apparent as and when the Red Army units moved west. The reports on these Hitlerite crimes against the peaceful population were made by officers of the advance units of the Red Army, by local authorities, and public organizations.

The Soviet people did not, in the first moment, learn of the crimes of the German fascist invaders from circulars of the German Command, from the notices posted up by the Reich leaders, or from the directives issued by the SS Obergruppenführers both in incoming and outgoing bulletins of the competent German chancelleries, although such documents were captured in very large quantities by the advance units of the Red Army and are currently in the possession of the Soviet Prosecution. Far different were the sources of their information. Returning to their native haunts the soldiers of the Army of Liberation saw the many villages, towns, and cities which had been reduced to so much wasteland.

At the foot of the communal graves where rest the bodies of the Soviet people murdered by "typical German methods"—I shall, later on, present to the Tribunal evidence of these methods and of the regularity of their application—at the foot of the gallows where the feet of the adolescents danced on the air, at the ovens of the gigantic crematories where the murdered internees from the extermination camps were burned, at the sight of the dead women and girls, victims of some sadistic whim of the fascist bandits, at the sight of children, who had been torn in half—by all this evidence did the Soviet people recognize the mighty chain of crime extending, as the Chief Prosecutor of the U.S.S.R. so aptly said, "from the ministerial armchair to the hands of the executioner."

All these monstrous crimes had a definite system of their own. There was uniformity in the murder methods: One and the same system prevailed in the construction of the gas chambers, in the mass production of the round tins containing the poisonous substances "Cyclone A" or "Cyclone B," the ovens of the crematories are all built on the same typical lines, and one was the plan extending over all the camps of destruction. There was uniformity in the construction of the evil-smelling death machines, which the Germans referred to as "gaswagen" but which our people called the "soul destroyers"; and there was the same technical elaboration in the construction of mobile mills for grinding human bones. All this indicates one sole and evil will uniting all the individual assassins and executioners.

It became obvious that German thermotechnicians and chemists, architects, toxicologists, mechanics, and physicians were engaged in this rationalization of mass murder on instructions received from Hitler's government and from the Supreme Command of the German Armed Forces. It was also evident that the "death factories" brought into existence an entire series of auxiliary industries.

But the unity of this will-to-evil was not only apparent there, where a special technique had been evolved to serve the purpose of very evil murder. The unity of this will-to-evil was also apparent from the similarity of the methods employed by the murderers, from the uniformity of type in the murder technique evolved as well as from the fact that, in cases where no special technique was employed, use was made of ordinary weapons of the German Armed Forces.

From the evidence which I shall submit later on you will see that the sites where the Germans buried their victims were opened up by Soviet legal doctors in the north and south of the country. These sites were separated from each other by thousands of kilometers, and it is quite evident that the crimes were perpetrated by perfectly different people; but the methods employed were absolutely identical. The wounds were invariably inflicted on the same parts of the body. And identical, too, were the preparations for camouflaging the gigantic graves as antitank ditches and trenches. Everywhere the unarmed and defenseless people, on their arrival at the execution ground, were ordered, in practically the same terms, to undress and lie face downwards in previously prepared pits. As soon as the first batch was shot, whether in the swamps of Bielorussia or the foothills of the Caucasus, the row was covered with quicklime and the second batch of unarmed and defenseless people, of people about to die, were again ordered by the murderers to undress and lie down on that corrosive, blood-soaked mass which covered the first batch of victims.

This is testified to not only by the uniformity of instructions and orders received from high commands. So similar were the methods employed that it became clear that execution squads were being trained in special schools which had systematized beforehand and provided for every eventuality, from the order to undress prior to the shooting right down to the shooting proper. These assumptions, based on an analysis of assembled facts, were later confirmed by documents captured by the Red Army and by the testimony of prisoners of war.

From the very first months of the war it became clear to the Soviet Government that the innumerable crimes of the German fascist aggressors against the peaceful citizens of my mother country represented, not the excesses of undisciplined military units or the isolated crimes of individual officers and soldiers, but that they represented a system prepared in advance, not merely sanctioned by the criminal Hitler Government, but consciously planned and encouraged by this government.

I submit to the Tribunal in evidence according to Article 21 of the Charter, one of the official notes of V. M. Molotov, People's Commissar for Foreign Affairs in the U.S.S.R., dated as early as 6 January 1942. This document is registered as Exhibit Number USSR-51 (Document Number USSR-51). It is on the first page of your document book, beginning at the third paragraph after the heading:

> "As and when the Red Army; in the course of its continued and victorious counter-offensive, liberated numerous cities and rural committees which had, for a certain time, been in the hands of the German invader, an incredible picture emerged more clearly with every passing day—a picture of the looting which took place in every community, of general devastation, of revolting acts of rape, ill-treatment, and mass murder—all committed against peaceful citizens by the fascist German occupational forces during their advance, during the occupation, and during their withdrawal. The great amount of documentary material which the Soviet Government has at its disposal witnesses to the plundering and despoiling of the population, accompanied by bestial acts of violence and mass murders, carried out in all territories which came under the heels of the German invaders. Unquestionable facts prove that the regimes of robbery and of bloody terror inflicted on the peaceful population of the occupied villages and cities did not consist of certain excesses of individual undisciplined military units or individual German officers and soldiers. Rather does it point to a definite system, planned far in advance and encouraged by the German Government and the German Army Command, a system which intentionally unleashed within their army the lowest animal instincts among the officers and men.

> "Every step of the German fascist army and its allies in the invaded Soviet territories of the Ukraine and Moldavia, of Bielorussia and Lithuania, Latvia, and Estonia, in the Karelian-Finnish lands, in the Russian zones and regions, led to annihilation and to the destruction of priceless material and cultural treasures—the property of the nation; for the civilian population it led to the loss of hard-won property, slave labor, famine, and bloody massacre before whose horror the most savage crimes in history have paled.
>
> "The Soviet Government and its organizations record all these infamous crimes of the Hitler army for which the indignant Soviet people justifiably demand and will obtain retribution.
>
> "The Soviet Government considers it a duty to bring to the notice of all civilized humanity, of honest men all the world over, its declaration concerning the monstrous crimes perpetrated against the peaceful people of all occupied territories of the Soviet Union by the Hitlerite armies."

I now proceed to read into the record Paragraphs 2, 4, and 5 of the concluding statement of this note. Your Honors will find the place in question on the reverse side of Page 4 of the document quoted, Paragraph 5, Column 1 of the text:

> "The Hitlerite Government in Germany which had so treacherously attacked the Soviet Union pays no heed, in warfare, to any standards of international law or to any of the moral requirements. It wages war primarily against the peaceful and unarmed populations, against women, children, and old men, thereby revealing its own essential vileness. This government of robbers, which only recognizes violence and rapine, must be crushed by the all-powerful strength of the freedom-loving peoples, in whose ranks the Soviet nation will carry out its mighty task of liberation to the end.
>
> "In bringing all the atrocities committed by the German invaders to the knowledge of all the governments with which the Soviet Union maintains diplomatic relations, the Soviet Government announces that it holds Germany's criminal Hitlerite Government responsible for all the inhuman and rapacious acts perpetrated by the German Armed Forces.
>
> "At the same time the Government of the Soviet Union declares with unshakable conviction that the Soviet Union's fight for liberation is a fight for the rights and liberty not only of the peoples of the Soviet Union, but also for the rights and liberty of all freedom-loving peoples of the world and that this war can only end with the complete destruction of the Hitler armies and with complete victory over the Hitler tyranny."

The large quantity of the materials and facts which I have to submit to the Tribunal renders necessary the adherence to a very strict systematization of the materials in question.

Evidence will be submitted to the Tribunal successively.

Firstly, with regard to the deliberate encouragement by the major war criminals of the lowest instincts of German officers, men, and officials detailed to the Eastern areas where they were incited to murder the civilian population and to indulge in every form of violence against it. They also created that atmosphere of impunity which surrounded the murderers and legalized the regime of terror. Secondly, with regard to the special training and selection of units designated to put into effect both the mass murders and the regime of terror inflicted on the civilian population. Thirdly, with regard to the extent of the crime, the ubiquity and the immense degree of the German fascist atrocities. Fourthly, with regard to the gradual development and perfection of methods for the realization of the monstrous crimes, from the first shootings to the creation of the special extermination camps. Fifthly, with regard to attempts to conceal all traces of the crimes and the special measures taken for that purpose by order of the higher authorities.

I shall now submit documents to prove the first two of the points just mentioned.

The Tribunal has already received evidence that the actual orders, circulars, and the so-called laws, promulgated by the Hitlerian criminals for the legalization of terror directed against the peaceful population and for the justification of rape and murder, are directly connected with the inhuman theories of fascism. The Chief Prosecutor for the U.S.S.R. has twice quoted from a book by the former president of the Danzig Senate, at one time a very close friend of Hitler's, Hermann Rauschning, published in 1940 in New York under the title of *The Voice of Destruction.* The same book (Document Number USSR-378) was published in various other countries under different titles, such as, *What Hitler Told Me,* or *Conversations with Hitler,* and so on.

Two quotations were made from Rauschning's book, which I have submitted to the Tribunal, in the speech of the Chief Prosecutor of the U.S.S.R. The first is on Page 225, of the original. Your Honors will find it in the last paragraph of Page 14. The contents of this quotation can be summarized as follows: Hitler told Rauschning that he was freeing mankind from the humiliating restrictions imposed by the "chimera of conscience and morality." The second quotation is also extremely important. I will endeavor to prove by a series of concrete facts the apparently abstract contents of this quotation. You will find it on Pages 137-138. It concerns a conversation between Hitler and Rauschning on the subject of a special technique of depopulation essential for the physical extermination of entire nations and about the right of the victor to exterminate entire populations.

And indeed, in order to murder millions of innocent and defenseless people, it was necessary not only to develop the technical formula of "Cyclone A," to construct gas chambers and the crematory ovens, nor yet to elaborate an elaborate procedure for mass shootings. It was also essential to educate many thousands who would carry out these policies "not in the letter, but in the spirit"—as stated by Himmler in one of his speeches. It was necessary to train persons deprived both of heart and conscience, perverted creatures who had deliberately cut themselves off from the basic conceptions of morality and law. It was necessary to legalize and theoretically establish the conformity to law of the substitution of the concept of "guilt" by the concept of "preventive purge of undesirable elements for political purposes," of the concept of "justice" by the concept of "the right of the master," and of the concept of "law" by an apologia of arbitrary administration and police terror.

It was necessary, by orders, regulations, and decrees, to instill in the minds of hundreds of thousands of human beings, trained as the bloodhound is trained, to carry out the premeditated atrocities of the major criminals, that they were in no way responsible for the crimes committed. That is why Hitler freed them from the "chimera called conscience."

But the theoretical foundations laid down for the purpose still did not constitute official instructions, nor did they introduce definite retaliatory measures against those who were unduly mild and those who did not fully recognize the "joys of cruelty." This is why, even before the beginning of the war with the Soviet Union, the German fascist criminals issued a number of so-called handbooks, sermons, and similar documents to the Germans who were being sent East. I submit one of these documents to the Tribunal. Of all the documents in my possession I have deliberately selected this small document, and I dwell on it because it is not intended for the SS or police. It is intended for the so-called agricultural leaders. This document is entitled, "The Twelve Commandments for the Behavior of Germans in the East and for Their Treatment of the Russians."

I submit this document to the Tribunal as Exhibit Number USSR-89 (Document Number USSR-89), and Your Honors will find it on Page 17 of the document book. From these "Twelve Commandments" I shall quote just one, the sixth, which has a direct bearing on my present theme...

DR. NELTE: Mr. President, the words "Twelve Commandments for the Behavior of the Germans in the East and for Their Treatment" have been written on Document Number USSR-89. That is all that is in my copy. This document has no heading and no signature. As the question of responsibility is involved, it would surely be desirable for the Prosecution to name the author of these "Twelve Commandments." So I respectfully ask the Tribunal to decide whether this document is admissible as evidence in its present form.

THE PRESIDENT: Can you inform us what the source of the document is?

MR. COUNSELLOR SMIRNOV: This document is included in the documentation of the Extraordinary State Commission of the Soviet Union for the investigation and determination of German fascist atrocities. It was received from the following sources—I must interrupt my further presentation.

The Counsel for the Defense has pointed out that this document bears no signature. If Your Honor will turn to the original of this document, which I have submitted to you, you will find the signature of a certain Backe. Unfortunately I cannot say who this Backe was, but I discovered this signature on a whole series of German, or rather of German fascist documents which, in rather peculiar juxtaposition, usually discussed two subjects—cattle breeding and the Russian soul. Evidently the author of this document was considered equally competent to deal with both questions. But what his official position was I really cannot say.

I repeat, this document was captured by field units of our army, in the region of Rossoshy, handed to the Extraordinary State Commission and the original of this document is now being submitted to the Tribunal.

THE PRESIDENT: I have the original before me now. It is dated Berlin, the 1st of June 1941, and has a signature which looks like B-a-c-k-e. Perhaps Counsel for the Defense would like to see the original document. It is, as I understand from the prosecuting counsel, made a part of the Soviet Government report; and if so, we must take notice of it.

MR. COUNSELLOR SMIRNOV: That is so. I have information concerning Backe's official position. He was Minister of Food and Agriculture. I did not know that before, because in practice I did not have the occasion to come across this branch of German fascist life.

DR. NELTE: Mr. President, I believe I can identify the signature as "Backe." Backe was in the Ministry of Food and Agriculture, was indeed State Secretary at the time.

THE PRESIDENT: Perhaps this would be a convenient time to break.

[A recess was taken.]

MR. COUNSELLOR SMIRNOV: Mr. President, have I your permission to proceed?

I now quote the sixth commandment of the twelve which have just been submitted to the Tribunal. This sixth commandment, which is on Page 17 of the document book of the Tribunal, reads as follows:

> "6. The areas just opened up must be permanently acquired for Germany and Europe. Everything will depend upon your behavior. You must realize that you are the representatives of Greater Germany and the standard-bearers of the National Socialist Revolution and of the New Europe for centuries to come. You must, therefore, carry out with dignity even the hardest and most ruthless measures required by the necessities of the state. Weakness on the part of an individual will, on principle, be considered as just cause for his recall. Anyone who has been recalled for this reason will no longer be eligible for a responsible position in the Reich either."

For what "hardest and most ruthless" measures the criminal Hitlerite Government was preparing those whom it named "the standard-bearers of the National Socialist Revolution," and what crimes were committed by them, we shall show later on.

In this manner the theoretical, abstract discussions were followed up by official orders quite definite and allowing of no ambiguity. Execution squads were trained in special educational institutions. The network of these institutions extended almost to the lowest ranks.

I shall submit to the Tribunal the indictment drawn up for the Prosecutor of the U.S.S.R. by the examining magistrate of most important affairs on the subject of German fascist atrocities in the city and region of Kharkov. This document has already been fully confirmed by the verdict of the military tribunal, which has also been submitted to the Tribunal. The Tribunal will find this verdict on Page 20 of your document book. The indictment and sentence are submitted to the Tribunal as Exhibit Number USSR-32 (Document Number USSR-32).

There is on the first page of the indictment an extract from the testimony of the Defendant Retzlav. It is on Page 24 of the document book of the Tribunal, last paragraph. I quote an excerpt from the testimony:

> "The accused senior corporal of the German Army, Reinhard Retzlav, who received his training in the special battalion 'Altenburg,' testified in the course of his interrogatory:
>
> "The course of training even included several lectures by leading officials of the GFP"—Secret Field Police—"who definitely declared that the peoples of the Soviet Union, especially those of Russian nationality, were subhuman and

> should be destroyed in an overwhelming majority, although an appreciable number was to be employed by the German landowners as slaves. These directives were the result of the policy of the German Government toward the peoples of the occupied territories; and, it must be confessed, were put into practice by every member of the Armed Forces, myself included."

Such were the courses dedicated to the training and education of junior police officials.

But the fascist training school for murderers acknowledged other forms of education as well, forms specially dedicated to the technique of destroying all traces of the crimes committed. The Tribunal has already received the document registered as Exhibit Number USSR-6(c) (8) (Document Number USSR-6(c) (8). This document is one of the appendices to the report of the Extraordinary State Commission on German atrocities perpetrated on the territory of the region of Lvov. The document is the testimony of the witness, Manusevitch, interrogated by the senior assistant to the prosecutor of the Lvov region, by the special request of the Extraordinary State Commission. The minutes of the interrogatory are recorded in conformity with the legal code of the Ukrainian Soviet Socialist Republic. The Tribunal will find these minutes on Page 48 of the document book.

Manusevitch was imprisoned by the Germans in Yanov Camp, where he worked in the prisoners' squad for burning corpses of murdered Soviet citizens. After the 40,000 corpses murdered in Yanov Camp were burned, the squad was transferred for similar purposes to the camp in Lissenitzky Wood.

I now quote from the record of the interrogation, which the Tribunal will find on Page 52 of the document book, Paragraph 2 from the top, Line 26. I begin:

> "In the death factory of this camp special 10-day courses on corpse burning were organized, on which 12 men were employed. Pupils attending these courses came from the camps of Lublin, Warsaw, and others whose names escape me. I do not know the surnames of the pupils, but they were officers from colonels to sergeant majors, not soldiers from the rank and file. The instructor at these courses was the officer in command of crematories, Colonel Schallok. On the site where the bodies were exhumed and burned he explained the practical manner of their burning and how to set up the machinery for bone crushing."

Later on, photographs of this machine will be submitted to the Tribunal together with a description, or rather, I should say, technical directions.

> "Schallock further explained the manner in which the pit was levelled over, the earth sifted, and trees planted over it, and how the ashes of the human corpses were scattered and concealed. Courses of this nature continued for a considerable period. During my sojourn, that is, during the 5½ months that I worked in the camps of Yanov and Lissenitzky, 10 groups of military students graduated successfully."

For the education of adolescents, the German fascists created a special organization, the so-called Hitler Youth (Hitlerjugend). The Defendant Baldur von Schirach was for quite a long time the head of this organization.

What kind of methods were used for the education of German youth by the fascist criminals is described by a French subject, Ida Vasso, the directress of a hostel for aged Frenchmen in Lvov. During the German occupation of Lvov, she had an opportunity of visiting the Lvov ghetto. In her statement to the Extraordinary State Commission, Vasso described the local system for the extermination of human beings.

From Vasso's statement it is obvious that the Germans educated the Hitler Youth by training these young fascists to shoot at living targets—at children specially handed over to the Hitler Youth to serve as targets.

Vasso's statement was checked by the Extraordinary State Commission of the Soviet Union and fully confirmed. In confirmation of this evidence I will submit to the Court Exhibit Number USSR-6 (Document Number USSR-6), which is a report by the Extraordinary State Commission, entitled, "German Atrocities Perpetrated in the Territory of the Lvov Region."

I now quote from Vasso's statement in this connection. It is included in the text of the report as a certified document, on Page 6-c of the document book. The Tribunal will find Vasso's statement on the reverse side of Page 59, Paragraph 5, beginning from Line 14 from the beginning of the paragraph:

> "... the little children were martyrs. They were handed over to the Hitler Youth who used them as living targets while learning how to shoot. No mercy for others, all for themselves—this was the motto of the Germans. The whole world must learn of their methods. We, who were the helpless witnesses of these revolting scenes, must speak of those horrors in order that everybody should know of them and, what is more important, should never forget them since no vengeance will ever bring the millions of dead back to life again."

Your Honors can turn to the same Page 59 of the document book, Line 10 from the beginning of the second paragraph. Here the Tribunal will find the official confirmation of Vasso's statement. The

Extraordinary State Commission established that, in Lvov, the Germans:

> "Spared neither men, women, or children. The adults were simply killed on the spot; the children were given to the Hitler Youth for target practice."

In this manner were created, educated, and trained the amoral monstrosities who were called upon to materialize the program of the major war criminals for the actual destruction of the population in the Eastern European countries. The fascist government had no need to fear that the "Standard Bearers of the National Socialist Revolution" in the East would show any traces of humanity at all.

THE PRESIDENT: Colonel Smirnov, I hope you will forgive my interrupting you; but as I had to point out to Colonel Pokrovsky just now, we really don't want any comment upon each one of these documents. The passage you have just read to us now is nothing but comment upon the frightful document which you have just read. It all takes time. If you could find your way to cut out the comment after these documents and simply to present us with the documents, it will save time.

MR. COUNSELLOR SMIRNOV: I will now quote an excerpt from the testimony of the witness Manusevitch, previously submitted as Exhibit Number USSR-6(c) (8), the passage where he speaks of the activities of the Yanov Camp administration. He was a witness of these activities when working in a special squad of prisoners employed for burning the corpses of people murdered in this camp—Page 3 of the minutes of the interrogatory. The Tribunal will find this document on Page 50 of the document book, Line 25 from the top. I quote this passage as an illustration of the execution squads created by the Hitlerites and of some of the atrocities perpetrated by them:

> "Apart from the shootings in Yanov Camp various forms of torture were practiced, namely, in winter a barrel would be filled with water and a man, with hands and feet tied, would be thrown into the barrel, where he froze to death. Yanov Camp was surrounded by a barbed wire entanglement consisting of two rows of barbed wire, 120 centimeters apart. A man would be thrown in and left there for several days on end. He could not extricate himself from the wire and he eventually perished from hunger and thirst. But prior to being thrown into the barbed wire, he would nearly have been beaten to death. A man would be strung up by the neck, hands, and feet. Dogs would be set on him and the dogs would tear him to pieces. Human beings were used as targets for shooting practice. This was mostly done by the

> following members of the Gestapo: Heine, Müller, Blum, Camp Commandant Willhaus, and others whose names escape me. People would be beaten till they nearly died, dogs would then be set on them who tore the victims to pieces. A man was given a glass to hold and was then stood up to serve as a target in shooting practice; if the glass was hit, the man was spared, but if he was shot in the hand he was immediately killed after being told that he was no longer fit for work. Men would be taken by the legs and torn in two. Infants from 1 month to 3 years old were thrown into buckets of water and left to drown. A man would be tied to a post facing the sun and kept there till he died of sunstroke. In addition, before men were sent to work, they were subjected to a so-called examination for physical fitness. The men were made to run a distance of 50 meters and if one of them ran well—that is—rapidly and without stumbling—he remained alive while the rest were shot. There was, in the same camp, a small, grass-covered plot. Here, too, footraces were run and anybody who stumbled in the grass and fell was promptly shot. The grass grew higher than a man's knee. Women were strung up by the hair, after first having been stripped naked, swung in the air, and left to hang till they died.
>
> "There was also the following case: a Gestapo man, Heine, made a young lad stand up and cut pieces of flesh from his body. Another man was wounded 28 times in the shoulders with a knife. The wounds healed and he worked in a death brigade. He was subsequently shot. Near the kitchen, during the distribution of coffee, the executioner Heine, whenever he was on duty, would go up to the first man in the line and ask, 'Why are you standing in front of the others?' and shoot him dead. In this way he shot quite a lot of people. He would then go to the end of the queue and ask, 'Why are you the last in the line?' and shoot him as well. I personally witnessed these atrocities during my imprisonment in Yanov Camp . . . ."

The testimony of the witness Manusevitch, which I have read into the record, was fully confirmed by the official report of the Extraordinary State Commission of the Soviet Union entitled, "German Atrocities Perpetrated in the Lvov Region." Further on Manusevitch speaks mainly about the activities of officials in the lower and middle rank of the camp administration. It is evident from the official report of the Extraordinary State Commission that a system of the vilest ill-treatment practiced upon the helpless people was initiated and organized by the upper ranks of the camp administration, who invariably set their subordinates personal examples of inhuman behavior.

I will not make any comment on this document, although I do beg the Tribunal to take note of a certain Obersturmführer Willhaus mentioned in this document.

The Tribunal will find the excerpt which I shall now read into the Record on Page 58 of the document book—on the reverse side of the page, Column 1 of the text. I quote:

> "SS Hauptsturmführer Gebauer established a savage system of murder in Yanov Camp, which, after his transfer to another post, was perfected by the camp commandant, SS Obersturmführer Gustav Willhaus and SS Hauptsturmführer Franz Wartzok.
>
> "A former inmate of the camp told the commission:
>
> "'I have seen with my own eyes how SS Hauptsturmführer Fritz Gebauer strangled women and children and froze men to death in barrels filled with water. The hands and feet of the victims were shackled before they were lowered into the water. Those doomed to die remained in the barrels until they froze to death.'
>
> "According to the testimonies of numerous Soviet prisoners of war and also of French citizens held in German camps, it was established that the German thugs invented the most vicious methods for exterminating human beings, a fact which they considered as particularly praiseworthy and in which they were encouraged both by the higher military command and by the government.
>
> "SS Hauptsturmführer Franz Wartzok, for instance, loved to hang internees by both feet on posts and leave them in this position until they died; Obersturmführer Rokita personally slashed open the bellies of the prisoners. The chairman of the investigation section of the Yanov Camp, Heine, pierced the bodies of internees with sticks or a piece of iron; he would tear out the finger nails of women with pliers, then he would strip his victims, hang them up by their hair, swing them out and shoot at the 'moving targets.'
>
> "The commandant of the Yanov Camp, Obersturmführer Willhaus, systematically shot with an automatic rifle from the balcony of his office room the prisoners employed in the workshops, partly for sheer love of sport and partly to amuse his wife and daughters. He would then hand his rifle to his wife and she too had a shot at the prisoners. Sometimes, to please his 9-year-old daughter, he had children between the

> ages of 2 and 4 years tossed in the air and then took pot shots at them, while his daughter applauded and shrieked, 'Papa, do it again; do it again, Papa!' And he did it again.
>
> "The internees of this camp were exterminated for no reason at all, often as a result of a bet. A woman witness, Kirschner, informed the Investigating Commission that a Gestapo Commissar, Wepke, bet the other camp executioners that he could cut a boy in half with one stroke of the axe. They did not believe him. So he caught a 10-year-old boy on the road, made him kneel down, told him to hide his face in the folded palms of his hands, made one test stroke, placed the child's head in a more convenient position and with one single stroke cut the boy in half. The Hitlerites heartily congratulated Wepke, shaking him warmly by the hand.
>
> "In 1943, for Hitler's birthday—his 54th—the commandant of the Yanov Camp, Obersturmführer Willhaus, picked out 54 prisoners of war and shot them himself.
>
> "A special hospital for prisoners was organized in the camp. The German hangmen Brambauer and Birman checked up the patients on the 1st and 15th day of each month; and, if they discovered that among the patients there were some who had been in the hospital for over 14 days, they shot them on the spot. Six or seven people were killed during each investigation.
>
> "The Germans executed their tortures, ill-treatments, and shooting to the accompaniment of music. For this purpose they created a special orchestra selected from among the prisoners. They forced Professor Stricks and the famous conductor Mund to conduct this orchestra. They requested the composers to write a special tune, to be called the 'Tango of Death.' Shortly before dissolving the camp the Germans shot every member of the orchestra."

Later on I will present to the Tribunal, as a photo-document, photographs of this "orchestra of death."

What took place in Yanov Camp was in no way exceptional. In exactly the same manner the German fascist administration behaved in all concentration camps in the occupied area of the Soviet Union, Poland, Yugoslavia, and other Eastern European countries.

I submit to the International Military Tribunal Exhibit Number USSR-29 (Document Number USSR-29). It is a communiqué of the Polish-Soviet Extraordinary State Commission for the investigation of the crimes perpetrated by the Germans in the extermination camp of Maidanek in the city of Lublin. The Tribunal will find this communiqué on Page 63 of the document book. I quote

Section 3 of this document, "Tortures and Murder in the Extermination Camp"—Page 64 reverse side of the document book, beginning with the last paragraph of the first column of the text:

> "The forms of torture were extremely varied. Some of them were in the nature of so-called jokes which frequently ended in death. They included mock-shooting when the victim was rendered insensible by a blow over the head with a blunt instrument, and mock drownings in the pond of the camp which often ended in actual drowning.
>
> "Among the German executioners were specialists in particular methods of torture. Prisoners were killed by a blow with a stick on the back of the head, by a kick in the stomach, in the groin, *et cetera.*
>
> "The SS torturers drowned their victims in the dirty water flowing from the bathhouse through a narrow ditch. The head of the victim was plunged into the dirty water and kept under by the boot of an SS man until he died. A favorite method of the Hitler SS was to hang prisoners with their hands bound behind their back. The Frenchman, De Courantin, who suffered the torture in question, stated that a man hanged in this manner lost consciousness very rapidly, whereupon the hanging would be interrupted. He was hanged again as soon as consciousness was recovered and the process was repeated several times.
>
> "For the smallest offense, particularly for any suspicion of escape, the camp internees were hanged by the German fiends. In the middle of each field stood a post with a cross beam 2 meters above ground, from which the victims were hanged. 'I saw from my barracks,' said witness Demashev, former camp internee and Soviet prisoner of war, 'how people were hanged from the beam in the middle of the field.'
>
> "Close to the laundry, in the entresol between the first and second floor, was a special shed with beams from the ceilings where prisoners were hanged in whole groups."

The women interned in the camp were subjected to the same ill-treatment and torture; they suffered the same forms of control, of work beyond their strength, of beating, and ill-treatment. The greatest cruelty was exercised by the female personnel of the SS. The worst were the chief woman supervisor Erich, and the supervisors Braunstein, Anni David, Weber, Knoblick, Ellert, and Radli.

The Commission has established many facts of unparalleled brutality perpetrated by the German executioners in the camp.

The German, Heinz Stalbe, chief of the camp police, at a plenary meeting stated that he had seen with his own eyes how the director of the crematory, Oberscharführer Mussfeld, tied the arms and legs of a Polish woman and threw her into the furnace alive. The witnesses Yelinski and Olech—workers in the camp—also stated that internees had been burned alive in the crematory ovens:

> "An infant was snatched from its mother's breast and dashed before her eyes against the wall of the barrack"—stated witness Atrochov—"I saw for myself how infants were taken from their mothers and murdered before their eyes: One small leg would be seized by a hand, the executioner would stand on the other and the infant would be torn in half"—stated witness Edward Baran.
>
> "The deputy camp commandant, SS-Obersturmführer Tumann was particularly noted for his sadistic tendencies. He forced groups of internees to kneel in a row and then killed them by blows on the head with a stick. He set Alsatian dogs on the internees. He participated actively and energetically in all executions and killings of the prisoners.
>
> "Thus hunger, work beyond their strength, torture, torment, ill-treatment, and murder accompanied by unheard-of sadism were employed for the mass extermination of the captives in the camp."

To prove that these sophisticated and sadistic crimes were not exclusively characteristic of the SS or the special police units, but that the major war criminals had deliberately plunged whole strata of the personnel of the German Armed Forces into the very depths of moral degradation, I turn to the contents of a note by the People's Commissar for Foreign Affairs of the U.S.S.R., V. M. Molotov, dated 6 January 1942, which was submitted to the Tribunal as Exhibit Number USSR-51. Your Honors will find the passage I am about to quote on the reverse side of the document book, Paragraph 4, Column 1 of the text. I begin the quotation:

> "There are no bounds to the wrath and indignation aroused among the Soviet population and in the Red Army by the innumerable and despicable acts of violence, the foul outrages perpetrated against the honor of the women and the mass murders of Soviet citizens, both men and women, carried out by the German fascist officers and men. Wherever the rule of the German bayonet begins to hold sway, an unbearable regime of bloody terror, agonizing torture, and savage murder is introduced. The robberies committed everywhere by the German officers and men are invariably accompanied by the beating and murder of immense numbers of entirely innocent people. For failure to deliver up food supplies to the very last crumb, and all clothing, down to the very last shirt, the occupants torture and hang old and young, women and

children. At forced labor they beat up and shoot for all defective execution of the established quota of work.

"On 30 June Hitler's thugs entered the city of Lvov, and on the very next day they started a massacre under the slogan, 'Kill the Jews and the Poles.' After hundreds had been put to death the Hitler gangsters arranged an 'exhibition' of the murdered citizens by building an arcade. The mutilated bodies, mostly of women, were laid out along the walls of the houses. The place of honor in this ghastly 'exhibition' was occupied by the corpse of a woman whose baby had been pinned to her with a bayonet.

"Such were the monstrous atrocities of the fascists from the very outbreak of the war. Wallowing in innocent blood, the Hitlerite blackguards are still continuing their dastardly crimes.

"In the hamlet of Krasnaya Polyana near Moscow, on 2 December, the German fascist dastards assembled all the local inhabitants between the ages of 15 and 16, locked them up in the icy premises of the district executive committee building in which all the window panes had been knocked out, and kept them there for 8 days without food or water. The infant children of the women workers of the Krasnaya Polyana factory, A. Zaitseva, T. Gudkina, O. Naletkina, and M. Mikhailova, died in the arms of their mothers during this ordeal.

"Numerous instances are on record of Soviet children having been used as practice targets by the Hitlerites.

"In the village of Bely Rast, in the Krasnaya Polyana district, a gang of drunken German soldiers put 12-year-old Volodia Tkachev up on the porch of one of the houses as a target and opened fire on the boy with an automatic rifle. The boy was riddled with bullets. After that the thugs began to fire random shots at the windows of houses. They stopped a collective farm woman, I. Mossolova, who was passing in the street with her three children, and there and then shot her and the children dead.

"In the village of Voskressenskoye of the Dubinin District, the Hitlerites used a 3-year-old boy as their target, firing at him with their machine guns.

"In the regional center of Volovo in the Region of Kursk, where the Germans stayed for a space of 4 hours, a German officer killed the 2-year-old son of a woman named Boikova by dashing the child's head against a wall merely because it was crying.

> "In the village soviet of Zlobin, in the district of Orel, the fascists killed the 2-year-old child of a collective farmer, Kratov, because his crying disturbed their sleep.
>
> "In the village of Semenovskoe, in the region of Kalinin, the Germans bound with twine the arms of Olga Tikhonova, the 25-year-old wife of a Red Army man and mother of three children, who was in the last stage of pregnancy, and raped her. After violating her the Germans cut her throat, stabbed her through both breasts, and sadistically bored them out. In the same village the occupants shot a boy of 13 and cut out a five-pointed star on his forehead.
>
> "In November the telegraph operator of the town of Kalinin, Ivanova, went to visit relatives in the village of Burashevo, near Kalinin, together with her 13-year-old son Leonid. When they left the town they were noticed by some Hitlerites, who began shooting at them from a distance of 60 meters; as a result the boy was killed. The mother made several attempts to carry away the child's body, but whenever she tried to do so the Germans opened fire and she had to leave the body there. For 8 days the German soldiers would not let her remove the body. It was only removed and buried by the mother when the place was occupied by our troops."

Mention is made, further on in the note, of another child victim of the fascists. The Tribunal will see this murdered boy in our filmed documentary evidence. I would ask the Tribunal to pay attention to the further words of the "note" which I shall read into the Record:

> "In Rostov-on-Don a pupil of the commercial school, 15-year old Vitya Cherevichny, was playing in the yard with his pigeons. Some passing German soldiers began to steal the birds. The boy protested. The Germans took him away and shot him, at the corner of 27th Line and 2d Maisky Street for refusing to surrender his pigeons. With the heels of their boots the Hitlerites trampled his face out of all recognition.
>
> "The village of Bassmanova, in the Glinka district of the Smolensk region, liberated by our troops early in September was one mass of ashes after the German occupation. On the very first day of their arrival, the fascist fiends drove into the fields over 200 schoolboys and girls who had come to the village to help in the harvesting. There they surrounded them and savagely shot them all. A large group of schoolgirls was abducted to the rear 'for their lordships, the officers.'
>
> "The seizure of towns or villages usually begins with the erection of a gallows on which the German executioners hang the first civilians they can lay their hands on. Moreover,

> they leave the bodies hanging on the gallows for days and even weeks. They do the same with the people they shoot in the streets of the towns and villages, leaving the bodies untended for days on end.
>
> "After the seizure of Kharkov, the German thugs hanged several people from the windows of a large house in the center of the city. Furthermore, in the same city of Kharkov on 16 November 19 persons, including one woman, were hanged from the balconies of a number of houses."

The bestial acts of violence perpetrated against the women everywhere testify to the profound moral corruption of the criminals. I shall quote from that passage in the note which Your Honors will find on Page 4, Paragraph 4, of the document book:

> "Women and young girls are vilely outraged in all the occupied areas.
>
> "In the Ukrainian village of Borodayevka, in the Dniepropetrovsk region, the fascists violated every one of the women and girls.
>
> "In the village of Berezovka, in the region of Smolensk, drunken German soldiers assaulted and carried off all the women and girls between the ages of 16 and 30.
>
> "In the city of Smolensk the German Command opened a brothel for officers in one of the hotels into which hundreds of women and girls were driven; they were mercilessly dragged down the street by their arms and hair.
>
> "Everywhere the lust-maddened German gangsters break into the houses, they rape the women and girls under the very eyes of their kinfolk and children, jeer at the women they have violated, and then brutally murder their victims.
>
> "In the city of Lvov, 32 women working in a garment factory were first violated and then murdered by German storm troopers. Drunken German soldiers dragged the girls and young women of Lvov into Kesciuszko Park, where they savagely raped them. An old priest, V. I. Pomaznew, who, cross in hand, tried to prevent these outrages, was beaten up by the fascists. They tore off his cassock, singed his beard, and bayonetted him to death.
>
> "Near the town of Borissov in Bielorussia, 75 women and girls attempting to flee at the approach of the German troops, fell into their hands. The Germans first raped and then savagely murdered 36 of their number. By order of a German officer named Hummer, the soldiers marched L. I. Melchukova, a 16-year-old girl, into the forest, where they raped her. A little later some other women who had also been dragged

into the forest saw some boards near the trees and the dying Melchukova nailed to the boards. The Germans had cut off her breasts in the presence of these women, among whom were V. I. Alperenko, and V. H. Bereznikova.

"On retreating from the village of Borovka, in the Zvenigorod district of the Moscow region, the fascists forcibly abducted several women, tearing them away from their little children in spite of their protests and prayers.

"In the town of Tikhvin in the Leningrad region, a 15-year-old girl named H. Koledetskaya, who had been wounded by shell splinters, was taken to a hospital (a former monastery) where there were wounded German soldiers. Despite her injuries the girl was raped by a group of German soldiers and died as a result of the assault."

I omit one paragraph and continue:

"But, the Hitlerites do not stop at the murder of individual Soviet citizens. Among the most appalling atrocities in the history of Hitlerite lawlessness and terrorism on German occupied Soviet territory are the nightmare mass murders of Soviet citizens which usually accompany the temporary seizure by the Germans of Soviet towns, villages, and other inhabited centers.

"Here are a few instances of wholesale bloody murders carried out by the Germans against entire villages. In Yaskino, a village in the region of Smolensk, the Hitlerites shot all the old men and adolescents, and burnt the houses down to the ground. In the village of Pochinok of the same region, the Germans drove all the old men, old women, and children into the collective farm office, locked the doors and burnt them all alive. In the Ukrainian village of Yomelchino in the region of Zhitomir, the Germans locked 68 people into a small hut, sealed the doors and windows and asphyxiated to death everybody inside. In the village of Yershevo, of the Zvenigorod district in the Moscow region now liberated by our troops, the Germans prior to their withdrawal drove about 100 peaceful citizens and wounded Red Army men into a church, locked them in, and blew up the building. In the village of Agrafenovka of the Rostov region, on 16 November, the fascists arrested the entire male population between the ages of 16 and 70 and shot one man of every three."

The subsequent part of the note deals with the mass German crimes known as "actions" and particularly to the "actions" in Kiev. I invite the attention of the Tribunal to the fact that the figure of those murdered in Babye Yar—as mentioned in this note—is an understatement. After the liberation of Kiev it was established that the extent of the atrocities perpetrated by the German fascist invaders far exceeds the German crimes as stated in the first instance.

From further information submitted to the Extraordinary State Commission of the Soviet Union, in connection with the city of Kiev, it is evident that during the monstrous so-called German mass "action" in Babye-Yar not 52,000 but 100,000 were shot. I now continue to quote from Page 4, of the document book, Paragraph 3:

> "Terrible massacres and pogroms were carried out by the German invaders in the Ukrainian capital of Kiev. In the course of a few days the German bandits tortured and murdered 52,000 men and women, aged people and children, ruthlessly doing to death all Ukrainians, Russians, and Jews who in any way displayed their loyalty to the power of the Soviet. Soviet citizens who succeeded in escaping from Kiev give a shattering picture of one of these mass executions: A large number of Jews, including women and children of all ages, were assembled in the Jewish cemetery. Before shooting them the Germans stripped them naked and then beat them. The first group marked for execution was forced to lie, face downwards at the bottom of a ditch, where the Jews were shot with automatic rifles. The Germans then lightly sprinkled some earth over the dead bodies, made the next batch lie down in a row over the first and shot them in the same way."

I skip a paragraph and continue with the quotation. You will have the opportunity of seeing the Hitlerite crimes mentioned in the note. The German atrocities in Rostov are shown in great detail in the filmed documentary evidence.

> "The Nazi blood-thirstiness towards the citizens of Rostov has become well known. During their 10 days' sojourn in Rostov the Germans not only wreaked vengeance on separate individuals and families, but in their blood-lust they annihilated tens and hundreds of inhabitants, especially in the working-class districts of the city. Near the premises of the Railway Board, German machinegunners shot 48 people in broad daylight. Sixty people were shot by the Hitlerite assassins on the sidewalks of the main street of Rostov. Two hundred people were murdered in the Armenian cemetery. Even after their expulsion from Rostov by our troops, German generals and officers publicly boasted that they would return to Rostov purposely to vent bloody retribution on the inhabitants, who had actively helped to drive their mortal enemy from their native city."

On the immediate initiative of the command and officers of the units and formations of the German fascist armies, the advancing and retreating movements of their troops were often protected by the peaceful citizens, preferably by women, old men, and children.

I make no comment but I do consider it necessary to stress the fact that only those people acted like that who had perfectly understood Keitel's directive—so well known to the Tribunal—that human life "in the countries to which the directive refers, is worth exactly nothing at all."

I quote further from the note of the People's Commissar for Foreign Affairs, Page 7 of the document book, the last paragraph:

> "In addition to all that has already been stated, the Soviet Government have in their possession documentation bearing on the systematically repeated monstrous atrocities of the German fascist command, such as the use of Soviet civilians to cover German troops during battle with the Red Army.
>
> "On 28 August 1941 German fascist troops attempted to force the River Ipput. Powerless to overcome the stubborn resistance of the Red Army units, they assembled the population of the Bielorussian town of Dobrush in the Gomel region, and by threatening to shoot those who refused, drove women, children, and old people before them, using them as a shield when they attacked in battle formation.
>
> "The same dastardly crime against the civilian population was repeated by the German Command in the Vybori Collective Farm Sector of the Leningrad region as well as in the district of Yelna, in the region of Smolensk. The fascist thugs continue to resort to this brutal and cowardly method right up to the present day. On 8 December the Hitlerites made use of the local civil population to cover their retreat from the village of Yamnoye, in the region of Tula. On 12 December, in the same region, they assembled 120 persons—old people and children—and made them march in the vanguard of their troops during engagements with the advancing units of the Red Army. In the fight by our troops for the liberation of the city of Kalinin, units of the German 303rd Regiment, 162d Division, attempting to launch a counter-attack, assembled the women of one of the suburban villages, placed them in the vanguard of their troops, and then went into action. Fortunately the Soviet troops succeeded, when beating off the attack, in driving a wedge between the Hitlerites and their victims thereby saving the lives of the women."

In order to satisfy the needs of the German fascist armies and in violation of all international conventions, the criminals employed the civil population for particularly dangerous work, especially for clearing the mine fields. I will quote an extract from the second part of this note, which the Tribunal will find on Page 2 of the document book, Paragraph 4. I quote:

> "Wherever German troops and German authorities made their appearance on Soviet territory, a regime of brutal exploitation, tyranny, and arbitrary rule was immediately established as far as the defenseless civil population was concerned. With a complete disregard for age or conditions of health, and after having taken or destroyed the houses of the Soviet citizens, a great number of these were brought to concentration camps by the Hitlerites and were compelled, under threat of torture, shooting, or death by starvation, to perform, gratuitously, various kinds of heavy labor, including work of a military nature. In a number of cases, civilians employed on one or another job of a military nature were summarily shot to ensure secrecy.
>
> "Thus, for instance, in the village of Kolpino, in the region of Smolensk, the invaders drove all the farmers off to work on building bridges and dugouts for German units. Upon the completion of the construction of these fortifications, all these farmers were shot."

THE PRESIDENT: Perhaps this would be a good time to break off.

COUNSELLOR SMIRNOV: Yes, sir.

[The Tribunal adjourned until 15 February 1946 at 1000 hours.]

SIXTIETH DAY

Friday, 15 February 1946

Morning Session

THE PRESIDENT: There are certain matters of a procedural nature which the Tribunal desire to consider before they consider the question of an adjournment. Accordingly they will not sit tomorrow in open session for consideration of the question of an adjournment, but they will sit tomorrow morning at 10 o'clock in closed session for consideration of these matters of a procedural character, and they will sit on Monday morning at 10 o'clock for half an hour to hear argument in open session on the question of an adjournment, one counsel being heard on each side and only for 15 minutes.

MR. COUNSELLOR SMIRNOV: I interrupted the quotation of a document on Page 3 of the document file, second paragraph, first column of the text. I consider it possible to skip many items contained in this document, as these facts simply confirm further the general conclusions which were expressed in the beginning of the document and which were already confirmed by many facts read into the record by me yesterday. I only beg the Tribunal to allow me to draw their attention to one of the stipulations in the note which the Tribunal will find on Page 3 of the book of documents, second paragraph, first column of the text. It states that the civilian inhabitants were forcibly sent to concentration camps, thus artificially and illegally increasing the number of prisoners of war and subjecting the peaceful population to the inhuman regime which was established by the German fascist authorities for the prisoners of war.

I submit to the Tribunal further an extract from the minutes of the court-martial of a military tribunal of the 374th Liuban Infantry Division, held on 29 October 1944. This document is submitted as Exhibit Number USSR-162 (Document Number USSR-162). The Tribunal will find this document on Page 67 of the document file.

DR. KURT KAUFFMANN (Counsel for Defendant Kaltenbrunner): I would like to make two motions regarding the questions relative to the submission of evidence in this case as well as to the general procedure. The first motion is that I would like to ask, with reference to Article 21, that the submission of documents to the investigation commission, as well as any reference to them, be prohibited inasmuch as these documents do not contain definite information about the source of the information discussed here; secondly, that the written statements, which contain only summary information be read without any personal observations, and that the reading of such statements be permitted only if the cross-examination of the author as a witness is possible.

I should like to submit the following reasons: Article 19 of the Charter permits all evidence which has probative value. Article 21 gives the Court the right to ask for proof regarding documents submitted to the so-called "investigation committees." The purpose of both articles, however, is to facilitate the submission of proof. The admission of written statements of various kinds leads to the danger that such statements would discriminate against an entire people and an entire nation. Then the demand of the Defense that only such proof, such documents where this danger has been eliminated, as far as possible, be admitted, seems to be justified.

Many of the written statements and excerpts from committee reports read by the Russian Prosecution have had no probative value; but, furthermore, since they cannot be checked—their contents cannot be checked—they design to give a wrong impression about historical events.

THE PRESIDENT: Why does it not come within the last two lines of Article 21: "The records and findings of military or other tribunals of any of the United Nations?"

DR. KAUFFMANN: Yes, the Defense is of the opinion that Article 21 permits an interpretation. Article 21 permits the reading of such documents and such reports, but does not say anything about the extent to which it has been necessary for the defendants' counsel to check the sources upon which these reports of the investigating authorities are based. We are of the opinion that the witnesses who have been questioned, for reasons of compassion, of vengeance, *et cetera,* have not been in a position to describe the events objectively. As jurists we know that it is exceedingly difficult to describe even simple events truthfully. Therefore, we have the duty and the responsibility for the German people to try to check these sources and to help thereby to explain and clarify the real course of events, which we see somewhat differently.

THE PRESIDENT: Defendants' counsel will have the opportunity at the proper time of criticizing any evidence which is offered by the Prosecution. They will be able to point out whether it is possible that certain evidence was given out of sympathy; they will be able to criticize the evidence which is given in any way they choose at the proper time. But this is not the proper time.

Article 21 is perfectly clear, and it directs the Tribunal to take judicial notice of the various documents which are there set out, and expressly refers to the records and findings of military or other tribunals of any of the United Nations. This is a record and finding of a military tribunal of a Soviet court. Therefore, the Tribunal is directed in express terms by Article 21 to take judicial notice of it. That does not prevent defendants' counsel, when they make their speeches in defense, from criticizing the evidence upon which that record and findings proceed; but to say it ought not to be admitted appears to me, at any rate, and I think to the other members of the Tribunal, to be really entirely unfounded as an objection.

DR. KAUFFMANN: I thank you.

MR. COUNSELLOR SMIRNOV: May I continue, Mr. President. Thus the document which has been submitted to the Tribunal will be found on Page 67 of the document file in their possession. I shall allow myself to repeat in my own words the biographical data concerning the Defendant Le Court, who was brought before a court-martial.

He was not an SS man, but a non-Party senior corporal of the German Army, 27 years old. He was born and lived, before the war, in the town of Stargard; was owner of a cinema, and was later mobilized in the army, where he served in the 1st Company of the 4th Airborne Division. I begin to quote the statements in evidence given by Le Court contained in the section entitled "Judicial Investigation" beginning with Paragraph 2. The Tribunal will find this place in the document book on Page 68, fifth paragraph. Le Court stated:

> "Prior to my capture by Red Army soldiers, that is, before February 1944, I served as laboratory assistant in the 1st Bicycle Company of the 2d Air Force Infantry Regiment of the 4th Air Force Infantry Division at the headquarters of Air Field Service E 33/XI.
>
> "In addition to photographic material, I handled other work when not on duty, that is to say, I spent my free time for my own pleasure in shooting Red Army prisoners of war and peaceful citizens and soldiers. I used to jot down in a special book the number of prisoners of war and peaceful citizens I had shot."

I omit three paragraphs describing the shooting of prisoners of war by Le Court, and continue the quotation...

THE PRESIDENT: Colonel Smirnov, the passage that you read a moment ago about jotting down the numbers in his book does not occur in the translation which is before me. I do not know whether it is in your original. I suppose it is. Are you sure it is in the original?

MR. COUNSELLOR SMIRNOV: It is there, Mr. President. Mr. President, I just verified this extract which I am quoting with the original book of documents. It corresponds exactly to the text.

THE PRESIDENT: Very well. I only wanted to be certain that it was in the original, as it did not occur in the translation before me. You can continue.

MR. COUNSELLOR SMIRNOV: I interrupted the quotation on Page 68, and omitted three paragraphs. Thus, I came to Page 69. Perhaps this is the reason why the President of the Tribunal could not find the sentence I quoted. I continue the quotation:

> "Besides the shooting of prisoners of war, I also shot guerrillas, peaceful citizens, and burned houses, together with their inhabitants.
>
> "In November 1942 I participated in the shooting of 92 Soviet citizens.
>
> "From April to December 1942, while a member of the Air Force Infantry Regiment, I participated in the shooting of 55 Soviet citizens. I took care of the actual shooting."

I omit a paragraph and continue:

> "In addition, I participated in punitive expeditions when I personally set fire to houses.
>
> "Altogether more than 30 houses in various villages were burned down by me. I arrived in the village with the punitive expedition, entered the houses and warned the population that no one was to leave the houses, which were going to be burned. I set fire to a house, and when anybody tried to save himself—nobody was allowed to leave—I drove him back into the house or shot him. In that way I burned more than 30 houses and 70 peaceful citizens, mainly aged men, women, and children.
>
> "Altogether I have personally shot 1,200 persons."

For the purpose of saving time I omit six paragraphs and quote further. You will find this on Page 70 of the document book:

> "The German High Command promoted in every way the shooting and killing of Soviet citizens. In recognition of good work and service in the German Army, which found expression in the shooting by me of prisoners of war and Soviet citizens, I was promoted before my promotion was due, on 1 November 1941, to the rank of senior corporal. This promotion should have come about on the 1st of November 1942; at the same time I was awarded the East Medal."

Le Court was in no way an exception, and in confirmation of this I shall now refer briefly to the verdict of the trial held in the town of Smolensk by the district military tribunal against a group of former members of the German Army who were brought to justice for committing atrocities against peaceful citizens and prisoners of war in the town of Smolensk. This document was submitted to the Tribunal by my colleague, Colonel Pokrovsky, as Exhibit Number USSR-87 (Document Number USSR-87), and joined to the record of the present Trial. The Tribunal will find this document on Page 71 of the document book.

I omit all the general part of the verdict, and beg to be allowed to draw the attention of the Tribunal to that part of the verdict which is in the ninth paragraph on Page 71 of the document book, which says that in 80 graves alone, which were opened up and examined by legal-medical experts in the town of Smolensk and in the district of Smolensk, over 135,000 corpses of Soviet citizens—women, children, and men of various ages—were discovered.

I skip the second page of the verdict and come to that part of the document which gives a description of the criminal deeds of individual defendants brought to trial under these charges. I shall not quote data regarding all 10 defendants, but only 2 or 3 of them.

The Tribunal will find this part on Page 73 of the document book. This is the sixth paragraph of the text. I quote:

> "Hirschfeld was interpreter for the German Military Command in the District Kommandantur of Smolensk. He personally beat and seized for treason perfectly innocent Soviet citizens, without consideration for sex and age, and forced them to make false statements. On receiving these false statements forced from them by beatings, the arrested persons were shot by the Kommandantur troops. Hirschfeld participated personally in the annihilation of Soviet citizens in Smolensk in May 1943, by means of asphyxiation through carbon monoxide in gas vans. In January and February 1943, he participated in punitive expeditions against guerrillas and against peaceful Soviet citizens in the district of Newel-Uswjati. While he was commanding the German punitive unit, he committed, together with his soldiers, acts of violence against the peaceful population."

THE PRESIDENT: Colonel Smirnov, in the Tribunal's translation into English, we have missing pages from 34 up to 45. Do you think that those pages could be found? On our pages—I think your pagination is different—but the document that you are now referring to, USSR-87, begins on Page 34 of our translation, and the translation then skips to Page 45.

MR. COUNSELLOR SMIRNOV: Mr. President, I am not quoting the numbers of pages of the translation, but the pages of the document book.

THE PRESIDENT: Yes, I follow that, but I was only wondering whether, by a slip possibly, that these pages had been translated and perhaps had not got into our copy of the documents and whether they could be found. You see, we have all pages missing in the translation.

MR. COUNSELLOR SMIRNOV: Mr. President, I have not yet seen the translation. If the President will allow me, during the intermission I shall verify the translation, and shall put the translation file into complete order.

THE PRESIDENT: Yes, certainly. Go on in the meantime.

MR. COUNSELLOR SMIRNOV: Together with his soldiers, he burned nine Soviet villages and hamlets. He plundered farmers and shot innocent peaceful Soviet citizens who came out of the woods to get to the piles of ashes remaining from their burned-down homes in order to search for food. He participated in the deportation of Soviet citizens into German slavery.

I shall allow myself to quote still another excerpt concerning the defendant named Modisch who was a medical assistant in the German Military Hospital Number 551. The Tribunal will find this part on Page 73 of the document book, in the last paragraph:

> 2. "Modisch was a medical assistant in the 551st German Military Hospital in the city of Smolensk from September 1941 until April 1943. He was an eyewitness and immediate participant in the killing of prisoners of war, wounded soldiers, and officers of the Red Army, upon whom the German professors and doctors, Schemm, Gette, Müller, Ott, Stefen, Wagner, and others carried out, under the pretext of a cure, various experiments with previously unknown biological and chemical medicines. After that, the wounded prisoners of war were infected with septicaemia and killed."

And what had Modisch personally done? I quote further from the same document:

> "Modisch himself killed, by means of injections of great quantities of strophantin and arsenic, no less than 24 prisoners of war, both Red Army men and officers of the Red Army. In addition, he used, for medical treatment of German military personnel, the blood of Soviet children, ranging in age from 6 to 8 years, by taking great quantities of blood from them, after which the children died. He extracted from Russian prisoners of war the spinal fluid, whereupon because of emaciation they suffered paralysis of the lower extremities.

> He participated also in the plundering of Soviet medical institutions in the city of Smolensk."

I skip another page in the document. The Tribunal can convince itself that every one of these 10 defendants brought to trial committed such a long series of crimes that, according to the laws of any civilized country, they would be condemned to death. I quote as an example one of the charges proved during this trial regarding the Defendant Kurt Gaudian. The extract referring to him will be found by the Tribunal on Page 74 and on Page 75. I draw the attention of the Tribunal to the fact that Gaudian raped seven young girls and then killed them.

I conclude this part by quoting only three lines which state:

> "In the month of July 1943, with his participation, 60 inhabitants of the district of Osipowitschi were burned in a stable. The village itself was also burned."

I skip a part concerning Hentschke and quote only five lines, on Page 75 of the document file from that part of the verdict which concerns Müller, a lance corporal in the 335th Guard Battalion:

> "At various times, the Defendant Müller killed 96 Soviet citizens, among them old men, women, and babies. Müller raped 32 Soviet women, of whom 6 were killed after having been raped. Among the women raped, several were 14- or 15-year-old girls."

I do not know whether it is necessary to continue this quotation. I believe that the nature of these criminals, 7 out of 10 of whom already have ended their lives on the gallows, has been made clear to the Tribunal. However, in order to characterize, not the ones who committed the crimes, but those who were actually responsible for the lives of the population of the occupied territory in the East, I beg the Tribunal to allow me to turn to the diary of the Defendant Hans Frank, which has already been submitted to the Tribunal by our American colleagues as Document Number 2233-PS. We quote certain extracts from Frank's diary as Exhibit Number USSR-223. The Tribunal will find these excerpts on Page 78 of the document book. I quote that part of the excerpt which the Tribunal will find on Page 86 of the document book, third paragraph, the first column of the text.

On 6 February 1940 Frank gave an interview to the *Völkischer Beobachter* correspondent, Kleiss. I quote that section of the interview which was already pointed out to the Tribunal. I begin the quotation:

> "Interview given by the Governor General to the *Völkischer Beobachter* correspondent, Kleiss, on 6 February 1940, Page 3:
>
> "Kleiss: 'It might be interesting to develop the thesis which distinguishes a Protectorate from a Government General.'

> “The Governor General: ‘I might state a striking difference: In Prague, for instance, there were hung up red posters announcing that seven Czechs had been shot that day. I then said to myself:
>
> “If I wished to order that one should hang up posters about every seven Poles shot, there would not be enough forests in Poland with which to make the paper for these posters. Indeed, we must act cruelly.” ’ ”

The offensive on the Western Front, which began on 10 May 1940, diverted the attention of world public opinion from the crimes committed under the personal direction of Frank and permitted Frank to have several thousand representatives of the Polish intelligentsia condemned to death by court-martial and physically exterminated.

I quote Frank's statement at the police conference held on 30 May 1940, where this crime was finally decided upon. I begin this quotation on Page 86 of the document book, sixth paragraph, first column of the text:

> “The offensive in the West began on 10 May. On that day the center of interest shifted from the events taking place here. It would be a matter of complete indifference to me whether the deeds attributed by atrocity propaganda and lying reports all over the world to the National Socialist authorities in these districts worried the Americans, the French, the Jews, or the Pope in Rome for that matter. But it was terrible for me and for all of them to be told unceasingly during all these months by the Ministry of Propaganda, the Ministry of Foreign Affairs, the Ministry of the Interior, and even the Army, that ours was a regime of murder, that these crimes of ours were to cease and so forth. And we had to say, of course, we would no longer do it. It was equally clear that up to that moment, under the cross-fire of the whole world, we could not do anything of the kind on a large scale. But since 10 May we are completely indifferent to this atrocity propaganda. We must use the opportunity in our hands.”

I skip now two paragraphs and continue with the quotation:

> “I frankly admit that it will cost the lives of some thousands of Poles and that these will be taken mainly from leading members of the Polish intelligentsia. In these times we, as National Socialists, are bound to ensure that no further resistance is offered by the Polish people.”—I draw the attention of the Tribunal to this sentence particularly:
>
> “I realize the responsibility we are thus assuming.”

I skip one paragraph and continue the quotation, which the Tribunal will find on Page 86 of the document file, fifth paragraph.

> "Furthermore, SS-Obergruppenführer Krüger and I have decided that appeasement measures should be speeded up. I pray you, gentlemen, to take the most rigorous measures possible to help us in this task. For my own part, I will do everything in my power in order to facilitate its execution. I appeal to you as the champions of National Socialism, and I need surely say nothing further. We will carry out this measure and I may tell you in confidence that we shall be acting on the Führer's orders. The Führer said to me, 'The handling of German policy in the Government General and its establishment on a firm basis is a matter which devolves personally on the responsible men in the Government General.'
>
> "He expressed himself in this way: The men capable of leadership whom we have found to exist in Poland must be liquidated. Those following men must... be eliminated in their turn. There is no need to burden the Reich and the Reich police organization with this. There is no need to send these elements to Reich concentration camps, and by so doing involve ourselves in disputes and unnecessary correspondence with their relations. We will liquidate our difficulties in the country itself, and we will do it in the simplest way possible."

I conclude this quotation and pass on to Page 87, second paragraph, first column of the text. I think that this quotation is characteristic, for it was precisely Frank, as the diary proves, who first thought about the creation of special concentration camps, later officially known as "Vernichtungslager" (extermination camps).

I quote the same speech of Frank, Page 9, first paragraph:

> "As to the concentration camps, we know perfectly well that concentration camps in the true sense of the word are not going to be organized in the Government General. Every suspected person must be immediately liquidated. Internees from the Government General at present in concentration camps in the Reich must be handed over to us for 'Operation AB' or liquidated there."

I quote further from the same speech in the section—further excerpts from the diary of Hans Frank concerning the year 1940. The Tribunal will find this place on Page 94 of the document book, fifth paragraph, first column of the text. I quote:

> "We cannot burden the concentration camps in the Reich with our affairs. We had terrible trouble with the Kraków professors. If we had done the thing from here, it would have been different. For this reason I would ask you most urgently

> not to send any more people to concentration camps in the Reich but to liquidate them here or to impose punishment according to regulations. Any other method is a burden for the Reich and a perpetual source of trouble. We have an entirely different method of treatment here and we must adhere to it. I must point out expressly that even if peace is concluded, this treatment will not be altered. Peace will mean only that as a world power we should continue more intensively the same general political operations...."

I deem it opportune to draw the attention of the Tribunal to the fact that all the major extermination camps were indeed located on the territory of the Government General.

There was its own periodicity or cycles in the fascist crimes and in the proportions they assumed, and if in 1940 Frank made a long speech to the policemen justifying the so-called "actions" with regard to several thousand Polish intellectuals, then on 18 March 1944, in his speech at the Reichshof, he stated—I quote from Page 93 of the document file, third paragraph, second column. I begin the quotation:

> "18 March 1944, Speech at the Reichshof.
>
> "Dr. Frank: 'If I had gone to the Führer and said, "My Führer, I have to report that I have destroyed a further 150,000 Poles," he would say, "All right, if it was necessary." ' "

This fascist specialist on legal questions annihilated 3 million Jews in the territory under his jurisdiction which fell only temporarily into the hands of the fascist invaders. On this occasion Frank said—I quote his speech at a business meeting of the NSDAP orators in Kraków on 4 March 1944. The Tribunal will find this excerpt on Page 93 of the document book, second paragraph, second column of the text; I begin the quotation of Dr. Frank:

> "If there are any woebegone souls today who bemoan the fate of the Jews and say with tears in their eyes, 'Isn't it awful what is being done to the Jews,' we should ask them if they are still of the same opinion now. If we had there 2 million Jews carrying on their activities and opposed to them the few German men in the country today, we would no longer have control of the situation.... Jews are a race which must be eradicated. When we catch one of them, it is the end of him."

I pass on to that part of Frank's diary...

THE PRESIDENT: Shall we adjourn now?

[A recess was taken.]

MR. COUNSELLOR SMIRNOV: Mr. President, I received information from our staff that the 11 pages which were not incorporated into the English text in your possession were handed to you. Is it true, Sir?

THE PRESIDENT: Yes.

MR. COUNSELLOR SMIRNOV: May I continue?

THE PRESIDENT: Please do.

MR. COUNSELLOR SMIRNOV: I am quoting now from Frank's diary at the place which the Tribunal will find on Page 93 of the document file, in the second column of the text, second paragraph below the title, "Meeting of Political Leaders of NSDAP in Kraków, on 15 January 1944." It begins thus, Dr. Frank, "I did not hesitate to say that for every German killed, up to a hundred Poles would be shot."

In these dark days the Polish people regarded the victims of Frank and of his henchmen as martyrs. That is the reason it seems to me that, on 16 December 1942, at a government meeting in Kraków, Frank stated—I am quoting excerpts from the diary on Page 92 in the document book, third paragraph after the heading, the first column of the text. I begin the quotation:

> "We must consider whether, for practical reasons, executions should be carried out as far as possible on the spot where the murder of a German was attempted. It might also be as well to consider whether special places for execution should be set up, as it has been established that the Polish population streams to the places of execution, which are accessible to everyone, for the purpose of filling vessels with the blood-stained earth, and taking them to church."

I brought Frank's diary to your attention, Your Honors, because he was one of Hitler's closest associates and because this very well-known "learned" jurist of fascism was actually a positive *alter ego* of those who cut in two the bodies of children in the Yanov Camp. At the same time he was one of the creators of that part of the legal code of the German fascists which completely negated justice. After all, the whole miserable juridical wisdom of *Mein Kampf* fundamentally comes down to just one wicked formula, that is, that "might is right." I studied this book and found no other sense in the text. I quote the 64th edition, Page 740.

Frank was to Hitler that necessary evil gnome of jurisprudence whom Hitler needed to clothe in legal form the inhuman theories of fascism. In support of the fact as to how far the profanation of the basic ideas of justice incorporated in the criminal and civil law of all civilized people went, I submit to the Tribunal the original copy of one of Frank's directives published in the official bulletin of the Governor General for 1943. It is dated 2 October 1943 and is being presented by the Soviet delegation to the Tribunal as Exhibit Number USSR-335 (Document Number USSR-335). The Tribunal will find the document quoted on Page 95 of the document book. I quote the document in full:

> "Decree: The combating of attacks on German construction work in the Government General, issued 2 October 1943.
>
> "On the basis of Paragraph 5, Section 1, of the Führer's decree of 12 October 1939 (*Reichsgesetzblatt* I, Page 2077) I decree, until further notice:
>
> "Paragraph 1.
>
> "(1) Non-Germans who violate laws, decrees, official regulations, or orders with the intention of hampering or interfering with German construction work in the Government General will be punished by death.
>
> "(2) Section 1 does not apply to nationals of countries allied to the Greater German Reich or those who are not at war with the Reich.
>
> "Paragraph 2.
>
> "The abettor and the accomplice will be considered as equally guilty with the perpetrator; the same penalty will be exacted in the case of attempted violations as in the case of those actually committed.
>
> "Paragraph 3.
>
> "(1) The summary courts of the police will be competent to pass judgment.
>
> "(2) The summary court of the Security Police may pass the matter to the German Public Prosecution if there are special reasons for doing so.
>
> "Paragraph 4.
>
> "The summary courts of the Security Police will consist of an SS-Führer belonging to the office of the Commander of the Security Police and Security Service and two members of the office.
>
> "Paragraph 5.
>
> "(1) The following shall be recorded in writing: 1. The names of the judges; 2. the names of those on whom sentence is passed; 3. the evidence on which judgment was based; 4. the offense; 5. the date on which the sentence was imposed; 6. the date on which the sentence was put into effect.
>
> "(2) In matters not covered by the above, the summary court of the Security Police will decide upon its procedure after proper consideration.

"Paragraph 6.

"Sentences passed by the summary court of the Security Police will be put into effect without delay.

"Paragraph 7.

"In cases where an offense against Paragraphs 1 and 2 of this decree also constitutes a further offense which must be dealt with by the summary court, only those paragraphs of this decree are applicable which relate to procedure.

"Paragraph 8.

"This decree will come into force on 10 October 1943.

"Kraków, 2 October 1943; The Governor General, Frank."

In this manner, Point 1 of the first paragraph established one single punishment, that is, death, for practically any action of a "non-German," regardless of whether such action was classified by the German overlords as constituting a breach of law or a violation of an administrative order. The same punishment was to be administered for any attempt at similar actions in which the police officials could include practically any actions or expressions of a suspected person—Paragraph 2 of the above-quoted document.

The defendant was deprived of any procedural rights and guarantees. The document which, in accordance with Paragraph 5, was to take the place of the court verdict was, as is evident from the series of questions which had to be recorded in writing, actually for the purpose of registering individual cases of summary justice and not for the purpose of finding justifiable bases for the application of punishment. Every possibility of cassation or appeal to the higher authorities was excluded. The verdict was to be carried out immediately.

And finally, even the "court" procedure itself, founded on Frank's directives, was actually merely a mockery of justice. The court—and it seems to me the word "court" should be in quotation marks—consisted of three officials of the same SD which kept arresting innocent people on the streets of Polish towns and organizing wanton mass shootings of hostages.

How justified are the conclusions which are made by me on the basis of the aforementioned document, you will see from the text of another document submitted to the Tribunal as Exhibit Number USSR-332 (Document Number USSR-332). In the document file which is being submitted to the Court, is contained the original copy of the minutes of interrogation of the attorney, Stefan Korbonski. It also contains a translation of the document into Russian, which was certified by the members of the Polish Delegation. Stefan Korbonski lives in Warsaw and, according to information received from the Polish Delegation, should the Tribunal consider it necessary to call Korbonski for cross-examination, he can be brought to the Tribunal session.

I shall take the liberty to express in my own words the introductory part of the document. After having been sworn in Warsaw on 31 October 1945, Stefan Korbonski, who is a lawyer, was interrogated and testified that he was one of the leaders of resistance among the Polish people against the German invaders. This place can be found in the first paragraph of the text of the minutes. In the second half of the minutes the Tribunal will find a place in the document book on Page 98—and it goes on to Page 102—where Stefan Korbonski speaks of exactly the same directives of Frank's which were read into the record by me just now. In Paragraph 1 of the interrogation minutes he states that in the beginning of October 1943 the Germans posted on the walls of the houses in Warsaw and other cities of the Government General the text of that particular order which was read into the record by me.

I continue the quotation to the end, omitting the first part on Page 99 in the document book which is in the possession of the Tribunal, because it seems to me that this document is very characteristic. I begin the quotation:

> "Soon after the publication of this decree and quite independently from the increasing number of executions performed by the Germans in secret in what used to be the Warsaw ghetto, in the Warsaw jail, which was called Paviac, the Germans began to introduce public executions, that is, shooting of whole groups of Poles ranging from 20 to 200 persons in each.
>
> "These public executions were performed in various districts of the city, in streets opened to normal traffic, which were surrounded by the Gestapo guards immediately before the actual executions, so that the Polish population caught within the surrounding district would have to watch the executions either in the streets, or from the windows of the houses situated right behind the backs of the Gestapo men.
>
> "During these executions the Germans shot either people from the Paviac jail where they were confined after their arrest during raids in the streets, or people caught immediately before the actual execution. The number of these public executions, as well as the number of persons executed each time, kept increasing until it reached 200 persons who had to be shot at every execution. These executions continued until the very beginning of the Warsaw insurrection.
>
> "At first the Germans transported the Poles to the place of execution in covered trucks. They were clad in civilian clothes, and sometimes their hands were tied behind their

backs. However, as the victims thus brought to the place of execution usually shouted, 'Down with Hitler,' 'Long live Poland,' 'Down with the Germans,' and similar things, the Germans took steps to prevent the possibility of any such disturbances and began to fill their mouths with cement, or seal their lips with adhesive tape. The victims were brought from the Paviac clad in shirts, or in clothes made out of paper.

"I often received information from our underground organization through our agents who were working in the Paviac jail, that shortly before the execution the Germans usually performed operations on the condemned. They bled them and injected various chemical substances to cause physical weakness, thus preventing any attempts at escape or at resistance.

"This was the reason why the condemned were brought to the place of execution pale, weak, and apathetic, and barely able to stand on their feet. But even so, they acted as heroes and never begged for mercy.

"The bodies of those who were shot were loaded into trucks by other prisoners and were taken to a former ghetto, where they were usually burned. The prisoners whose duty it was to transport and to burn the corpses were mostly those confined in the Paviac prison. It was their steady assignment.

"The Polish population immediately covered with flowers the blood spots which were left on the ground. Lighted candles were placed where the corpses previously had lain, and crosses and ikons were hung on the surrounding walls. During the night members of the underground organizations would put an inscription in lacquer on the walls, such as 'Glory to Heroes,' 'Glory to those who perished for the fatherland,' and so forth.

"When the Germans noticed these inscriptions they arrested all those who happened to be on the spot and led them to the Paviac prison. Sometimes the Germans shot at groups of people kneeling and praying at the execution spots. Such an incident took place on Senator Street where several people were shot at and quite a few were wounded.

"After each public execution the Germans would put on the walls of houses lists of the names of those who were just executed; the names of hostages who would be shot in case the German regulations were not obeyed were given below.

"In Warsaw alone the Germans shot several thousand Poles by means of these public executions. This does not include the victims who were shot in other towns. In the Kraków district several thousand men were similarly shot."

Thus was put into action Hans Frank's directive which was already submitted by me to the Tribunal. In the light of Korbonski's testimony it becomes clear why, on 16 December 1943, there appears in Frank's diary...

THE PRESIDENT: Shouldn't that be 1942?

MR. COUNSELLOR SMIRNOV: The 16th of December 1943, Mr. President. One minute—I shall check that.

THE PRESIDENT: It reads "1942" in our document.

MR. COUNSELLOR SMIRNOV: Your Honor, evidently the translator put the wrong date into the text before you. I repeat that, in accordance with the text in my possession, this statement was made by Frank on 16 December 1943 at a government meeting in Kraków. If you will permit me I shall again verify the text of the quotation.

THE PRESIDENT: Well, in our statement of the document itself it is translated as 16 December 1942. Evidently it is wrong in one place or the other.

MR. COUNSELLOR SMIRNOV: In the testimony itself, in Paragraph 1, Korbonski mentions that in the beginning of December 1943 the Germans posted these lists on the walls of the houses. If the Tribunal will refer to the original of the document it will find "at the beginning of December 1943."

THE PRESIDENT: I see, it is 1943. It was wrongly translated in the first place.

MR. COUNSELLOR SMIRNOV: Yes, 1943. May I continue?

THE PRESIDENT: Yes.

MR. COUNSELLOR SMIRNOV: Thank you, Sir. I shall speak of the change in the procedure of the executions. It was on the Polish territory that the criminal code introducing special rights for the "master race" and Draconic laws for the other nations whom the fascist "masters" considered completely vanquished, was put into practice for the first time.

The report of the Polish Government which had already been submitted to the International Military Tribunal by my colleagues as irrefutable evidence in accordance with Article 21 of the Charter gives a brief description of the regime of lawlessness and despotism which reigned in occupied Poland under the guise of special legislation.

To characterize this legislation I shall take the liberty, if Your Honors please, to refer to two excerpts from the report of the Government of the Polish Republic, which has already been presented to the Tribunal by my colleagues as Exhibit Number USSR-93

(Document Number USSR-93). I shall first read into the record a paragraph which will be found on Page 110 in the document file in possession of the Tribunal, the section dealing with "Germanization of the Polish Law." It is the fourth paragraph after the heading, and I shall quote only two paragraphs of this section:

> "In the Government General the machinery of justice was changed particularly by a decree of 26 October 1939. It bears the signature of Frank. (Encl. 2)
>
> "Polish courts became subjected to supervision of German courts established in the Government General. Their jurisdiction, heavily curtailed, was confined to those cases only for which the German courts had no competence. New ideas of law were introduced. Punishment could be inflicted by intuition; the accused deprived of the right to choose a counsel and to appeal.
>
> "German law was introduced, and Polish law germanized."

I omit the entire section of the report which deals with this subject and continue the quotation on Page 51 of the Russian text. The Tribunal will find it on Page 129 in the document book in the third paragraph of the text under "Judicial Murders." That is Page 129, the third paragraph of the text. I begin the quotation:

> "a) On 4 December 1941, Göring, Frick, and Lammers signed a decree referred to above which virtually outlawed all Poles and Jews in the incorporated Polish territories. The decree made Poles and Jews a different and second-rank group of citizens. It meant that Poles and Jews were obliged to obey the Reich unconditionally; but on the other hand, as second-class citizens they were not entitled to the protection given by law to others."

I omit one paragraph and I continue the quotation of the part which deals with the application of death sentences. It begins this way:

> "Death sentences could be passed in the following cases:
>
> "1. For removing or publicly damaging posters set up by the German authorities.
>
> "2. For acts of violence against members of the German forces.
>
> "3. For lowering the dignity of the Reich or harming its interests.
>
> "4. For damaging furniture to be used by the German authorities.
>
> "5. For damaging things intended for the work or public order.
>
> "6. For causing disobedience to regulations and orders issued by German authorities—and several other cases which in fact justified imprisonment for a short period at the most."

I shall omit one passage and I shall limit my quotation to the following two paragraphs:

> "b) No Pole"—stated the official Nazi instruction—"was allowed to approach a German woman to stain the noble blood of the Herrenvolk. Those who dared to do it or even those who did not get beyond the stage of attempting to do so, were inevitably facing death. But it was not only a court but the German court which was called upon to pass sentence in these cases. It was found superfluous to arrange trials—a simple order of the police proved sufficient to deprive people of. their life."

I conclude this quotation and pass on to a subject which in my opinion is very correctly referred to as the "Judicial Terror of the German Fascists in Czechoslovakia" in the report of the Czechoslovak Government. In this country we can systematically follow the ever-increasing destruction by the Hitlerites of all the accepted moral and legal standards.

The report of the Czechoslovak Government, already submitted to the Tribunal by my colleagues as Exhibit Number USSR-60, describes this process in detail, beginning with the so-called "people's courts," up to the organization of the so-called "Standgerichte." I do not know what would be a correct translation of this term, so I shall use the term "Standgerichte" throughout. They are already familiar to us as organs of the Nazi arbitrary rule in Poland.

This process of the deterioration or rather collapse of the entire judicial system under the fascist rule is described in the report in great detail; I shall quote only a few short excerpts. I shall begin my quotation on Page 162 of the document book in the possession of the Tribunal, the last paragraph. I begin:

> "The power to proclaim a state of emergency was applied not later than 28 September 1941. In accordance with a decree issued on the same date and signed by Heydrich, a state of civil emergency was proclaimed in the 'Oberlandrat' district in Prague; and, a few days later, in the remaining parts of the protectorate. 'Standgerichte,' which were set up immediately, were active during the entire period and pronounced 778 death sentences. All were executed and 1,000 people were turned over to the Gestapo, that is, sent to concentration camps."

I omit the end of the paragraph, and I quote the following paragraph:

> "The only directive as to the administration, organization, and rules of procedure at the 'Standgerichte' is contained in the decree of 27 September 1941."

I omit the rest of the paragraph and I continue the quotation on Page 163, fifth paragraph of the book of documents.

> "The decree does not indicate as to who may fill the position of judge in Standgerichte, whether the judges should be professional people or laymen, and whether the sentences are to be pronounced by a jury or by the judge alone. The decree merely states Standgerichte may be set up by the Reich Protector; he is competent to choose people who are to perform the duties of a judge."

I omit the rest and continue the quotation on Page 163 of the book of documents, the last paragraph:

> "On the basis of the information that we have at hand at present the judges at the Standgerichte were professional judges only in exceptional cases.
>
> "The most important attribute was political reliability. This is the reason why the judges were, one could almost say without exception, members and executives of the NSDAP or other National Socialist organizations; that is, people who with rare exceptions, possessed not the slightest knowledge of law and had no experience in criminal trials."

I omit the following excerpts and continue the quotation on Page 166 of the document book, at the beginning of the last paragraph; from there I go on to Page 167:

> "Standgerichte were never held publicly. Inasmuch as the public was excluded from the preliminary investigations of the Standgerichte, the very existence of this tribunal increased the feeling of insecurity under the prevalent law. There was no appeal against sentences passed by Standgerichte. The records of the investigations of the Standgerichte contain only lists of names of the judges, defendants, and witnesses as well as descriptions of the crimes and the dates of the sentences (Section 4, Paragraph 2, of the decree). Directives permitting and even encouraging such meager records can have only one aim—to prevent any control and to keep secret everything that took place during the investigation, thus covering up all the traces of what had been done.
>
> "According to Section 4, Paragraph 1, of the directive, the Standgerichte could only pass death sentences or turn over the defendants to the Gestapo."

I omit the following paragraphs containing certain general comments on the same matter and continue my quotation on Page 168, the first paragraph:

> "Sentences passed by the Standgerichte must be carried out immediately. (Section 4, Paragraph 3, of the decree). Numerous

> examples demonstrate that this brutal National Socialist legislation was never toned down. At the end of the so-called trial, it was left to the judges to decide whether the condemned should be shot or hanged. (Section 4, Paragraph 3, of the decree). The condemned person was not granted even a short respite to prepare for death. There was not even a question in the decree about a reprieve. In any case, the brutal haste with which the sentence was carried out, made any reprieve impossible."

I conclude this excerpt, as well as the entire section devoted to the terrorist legislation of the Hitlerites in Czechoslovakia, with a quotation from Page 169, the fourth line from the top, and further. It is stated there:

> "It is quite evident that the Standgerichte did not possess the characteristics which, in accordance with the general opinion, are those of a tribunal and that the trials of the Standgerichte in reality violated all the principles which should be observed in the legislations of all civilized people. Standgerichte cannot be called tribunals and its court examination cannot be called a trial and a decision. I think the proper term would be 'verdict.'
>
> "The executions resulting from the verdicts of the Standgerichte differ in no way from executions performed without trial. They should be classified as murders.
>
> "It is impossible to find in the regulations which determined the methods of procedure of the Standgerichte even a trace of humanity. For instance, the rule which imposed immediate execution and accorded practically no time to the condemned to prepare for death, is a form of cruelty which, just as the entire institution of the Standgerichte, had as its aim the terrorization of the population."

I shall conclude the quotation with this excerpt, and I shall take the liberty of remarking that the institution of the Standgerichte did not countermand or exclude simple police sentences passed by means of a procedure similar to the one which was established by Frank in Poland.

It seems to me that all the laws which were cited by me above testify to the fact that the Hitlerites tried to turn the legislation, intended to punish crimes, into one which commits crimes. This is the sole purpose why their "laws" were created.

If Your Honors please, I shall now turn to the terroristic laws and directives of Hitlerite criminals which were issued for the civilian population of the Soviet Union.

Having started the criminal war against the U.S.S.R., the German fascist gang of bandits considered even these laws and "legal" principles especially created for the justification of their crimes, insufficient.

Most of these documents had already been submitted to the Tribunal and I shall confine myself to some very brief quotations. With the Tribunal's permission I shall read only three lines from a previously submitted document. I am referring to Document Number L-221 submitted to the Tribunal by the United States Prosecution. It contains a brusque reply made by Hitler to Göring at a meeting on 16 July 1941. The Tribunal will find the place on Page 189 in the document file in the first paragraph, first line.

THE PRESIDENT: That document has been read already.

MR. COUNSELLOR SMIRNOV: Yes, Your Honor. I shall take the liberty of quoting only three lines of this document.

THE PRESIDENT: Well, go on; but I think that the rest of the page which you are reading is all comments, and you could go straight on to the next document. Read these three lines and then I think you will find...

MR. COUNSELLOR SMIRNOV: This is not quite correct, but I shall now quote those three lines. Hitler said, "The gigantic territory must be quieted as soon as possible." I am quoting from the next sentence, where Hitler said, "The best way to attain this objective is to shoot everyone, even those who only cast an ugly look." I am citing these lines because they are the "Leitmotiv" which passes in all the directives and orders of Hitlerites.

THE PRESIDENT: Now, what I am suggesting to you is that the rest of the page which you are now passing in our translation is quite unnecessary to read and you can go straight on, at any rate, to the directive of Keitel of the 16th of September 1941.

MR. COUNSELLOR SMIRNOV: All right, Mr. President. May I continue?

THE PRESIDENT: Yes.

MR. COUNSELLOR SMIRNOV: I quote a directive of Keitel. This directive was submitted to the Tribunal by the United States Prosecution under Document Number C-148 (Exhibit Number USA-555). I quote, on Page 190 of your document book, Paragraph 3, Line 4.

> "One must bear in mind that human life in the countries concerned is often of no value whatever, and that intimidating reaction is only possible in the form of application of extraordinary hardness."

I am further presenting to the Tribunal a photostat of the document which was already submitted as Document Number 459-PS. I shall not quote a single excerpt from it; but I shall take the liberty to remind the Tribunal that point 6 of this document states that any sort of resistance will be broken, not by means of juridical punishment, but if the occupying authorities will succeed in instilling in the population a fear which is the only thing capable, as it is said in the directive, "of depriving the population of any will to resist."

I take the liberty to confirm this by quoting very briefly just two lines from the directive of the Commander of the 6th Army, General Field Marshal Von Reichenau, which was already presented to the Tribunal by my colleague as Exhibit Number USSR-12 (Document Number USSR-12). The Tribunal will find it on Page 194 of the document book, Line 19 from the top. It is said there, "The fear of German countermeasures must be stronger than the threats from Bolshevist remnants still wandering around."

I wanted to read into the record one document which bears the seal of the pseudo-legal argumentation of Hans Frank and which is so characteristic of his ordinances and directives. It has been pointed out that this document had already been presented to the Tribunal and I do not wish to retain the attention of the Tribunal on a document which had already been read during a Tribunal session. I am referring to the circular order of the Reich Security Main Office, Number 567-42-176, dated 5 November 1942. It develops that this document has already been presented by the American colleagues as Document Number L-316. I just wish to remind the Tribunal that this document states that even the principles used for determining the activities of non-Germans should be different and that any actions of a non-German should be examined not from the point of view of justice but exclusively from the point of view of prevention. I think that this document is well known to the Tribunal and I shall refrain from quoting it.

Thus in those territories of the occupied countries where the SS followed in the footsteps of the aggressors' troops, the peaceful population was abandoned to the arbitrary will of the specially trained and fierce representatives of the police forces of German fascism.

I shall take the liberty, while presenting the photostat of the document previously submitted to the Tribunal as Document Number 447-PS, to quote only one line of this document, which the Tribunal will find on Page 197 of the document book, fifth paragraph, after the heading, "The Region of the Operations." It deals with the special powers of the Reichsführer SS and indicates that "within the scope of these assignments the Reichsführer SS shall act independently and under his own responsibility."

It is well known what the Reichsführer SS really was. Of the many statements of Himmler, I shall limit myself to only one quotation which is, however, rather characteristic as a leading directive to the responsible officials of the SS who were subordinated to Himmler. On 4 October 1943 at the conference of the SS Gruppenführer at Posen, Himmler said—this document was submitted to the Tribunal by the United States Prosecution as Document Number 1919-PS and was read into the record on 19 December 1945. I shall quote six lines from Page 23 of the photostat of this document. The Tribunal will find the document on Page 201 in the document book. There figures a short quotation.

THE PRESIDENT: The Tribunal feels that if a document has already been read, it should not be read again.

MR. COUNSELLOR SMIRNOV: It seems to me that this particular excerpt was not read into the record. The document was submitted on 19 December 1945 as Document Number 1919-PS. But this particular excerpt which I wish to quote now, was not read into the record of the Tribunal. It contains only six lines.

THE PRESIDENT: Well, of course, if you have verified that and can state that with certainty, then you can certainly read it.

MR. COUNSELLOR SMIRNOV: I perused the transcript and could not find this excerpt. Therefore it seems to me that it was not read into the record. I shall confine myself literally to six lines. The question at present is only a matter of six lines.

THE PRESIDENT: Well, you better go on and quote it then because these interruptions take up a very long time.

MR. COUNSELLOR SMIRNOV: I begin the quotation:

> "Whether other nations live in prosperity or starve to death interests me only insofar as we need them as slaves for our culture. Otherwise I am not interested. I am not interested whether 10,000 Russian females die of exhaustion while digging an antitank ditch, as long as the antitank ditch for Germany is finished."

A document was already submitted to the Tribunal which establishes that the legalization of mass murders and extermination of the peaceful population of the Soviet Union carried out by the Army with a view to terrorizing the population was begun by Hitler and his clique as early as 13 May 1941, that is, over a month before the beginning of the war. In this case I refer to a directive already well known to the Tribunal. This directive emanates from Keitel and is entitled, "Application of Military Jurisdiction in the Barbarossa Region and Special Army Measures." This document was already read into the record as Exhibit Number C-50 by the United States Prosecution on 7 January 1946. I shall not quote this document because I think that it is well known to the Tribunal. I merely wish to remind the Tribunal that this document categorically denies the necessity for establishing guilt; suspicion alone was sufficient for the application of a death sentence. An official system of group responsibility and mass repressions was set up. Furthermore, it was stated that the "suspect" should be exterminated in any case. This is plainly said in Paragraph 5 of the first section of the directive.

THE PRESIDENT: We better adjourn now.

[The Tribunal recessed until 1400 hours.]

Afternoon Session

MR. COUNSELLOR SMIRNOV: In accordance with your instructions, Mr. President, I omit the following documents to which I wished to refer and which have already been submitted to the Tribunal—Document 654-PS, for instance.

I now proceed to the next document, which was submitted to the Tribunal yesterday by my colleague, Colonel Pokrovsky, as Exhibit Number USSR-3. It is the report of the Extraordinary State Commission of the Soviet Union, entitled, "Directives and Orders of the Hitlerite Government and the German Military Command Regarding the Extermination of the Soviet People."

My colleague read into the record yesterday a short excerpt from the fourth part of this document concerning the carrying out of mass executions, the so-called executions in camps, where both peaceful citizens and prisoners of war were interned. As this section has already been read into the record, I omit it and proceed to other sections of this report, dealing with the organization by the German fascist criminals, from the very first days of the war with the Soviet Union, of the so-called Sonderkommandos (special task forces).

The document which I am quoting refers to the organization of Sonderkommandos in the camps where prisoners of war and peaceful citizens were interned. I quote this excerpt because the term "Sonderkommando" acquired in the early days of the war a terrible meaning among the civilian population of the temporarily occupied territories of the Soviet Union. It was one of the most cruel and most brutal organizations ever created by the German fascists for the wholesale slaughter of human beings.

I request the Tribunal to revert to Page 207 of the document book, Column 1 of the text. I begin the quotation:

> "It is evident, from the documents discovered, that even before the attack on the U.S.S.R. Hitler's butchers had compiled lists and index files and collected the necessary information about such leading Soviet workers as their bloodthirsty plans had doomed to extermination. In this manner they prepared the following: 'Special Index Files for the U.S.S.R.,' 'The German Index File,' 'Lists for Establishing Domiciles,' and other index files and lists of the same kind which would facilitate the work of the Hitlerite murderers in the extermination of progressive circles within the population of the U.S.S.R.
>
> "However, the document entitled, 'Appendix Number 2 to Operational Order Number 8 of the Chief of the Sipo and the SD, Berlin,' dated 17 July 1941 and signed by Heydrich, who was at that time acting as Himmler's deputy, emphasizes the

lack of such lists and index files and stresses the importance of not hampering the initiative of those who perpetrated the murders. The document states:

> " 'There is no possibility of lending any assistance to the Kommandos for the realization of your plans. The "German Index File," "Lists for Establishing Domiciles," and "Special Index Files for the U.S.S.R." will only prove useful in a few cases. The "Special Index Files for the U.S.S.R." are therefore insufficient, as only an insignificant number of Soviet Russian nationals, considered as dangerous, have been entered in these files.' "

I omit one paragraph and continue:

> "For the realization of their criminal plans the German invaders created Sonderkommandos, both in the transient and permanent camps for prisoners of war, on German territory, in the so-called Polish Government General, and in the temporarily occupied territory of the Soviet Union."

I further omit seven paragraphs and continue the quotation on Page 207 of the document book, Paragraph 6, Column 2 of the text:

> "The procedure in the formation of the Sonderkommando is described in Appendix Number 1 to Operational Order Number 14 of the Chief of the Sipo and SD, marked state top secret, Copy Number 15, dated Berlin, 29 October 1941.
>
> "The formation of the Sonderkommandos of the Sipo and SD is carried out in accordance with the agreement of 7 October 1941, reached between the Chief of the Sipo and the SD on the one hand and the OKW on the other hand.
>
> "By virtue of special powers the Kommandos will act independently in conformity with general directives, within the scope of the camp regulations. The Kommandos, of course, maintain close contact with the camp commandants and the officers of the Intelligence Service."

I omit the following text and continue the quotation from Page 208 of the document book, Paragraph 1. The Tribunal will observe how much the Reich leadership extended the installation of these highly dangerous police organizations. The Sonderkommandos were organized all the way from the town of Krasnogvardeisk—a suburb of Leningrad—to the town of Nikolaiev on the Black Sea. I now continue with my quotation:

> "The order of the Chief of the Sipo and SD of 29 October 1941, regarding the organization of the Sonderkommandos, was sent to the operational groups in Krasnogvardeisk, Smolensk, Kiev, and Nikolaiev, and for information to Riga, Moghilev, and Krivoy Rog."

I would also point out that during their attack on Moscow the Hitlerites organized in Smolensk a special Sonderkommando Moscow, entrusted with the task of mass-murdering the Moscow citizens.

Mention has previously been made of the wide range of authoritative power granted to the Sonderkommando. In the document which I am quoting it is said:

> "The tasks of the Sonderkommandos are outlined in the operational directives attached to Decree Number 8 of the Chief of the Sipo and SD, dated Berlin, 17 July 1941, which, under the pretext of a screening of civilians and suspected prisoners of war captured in the Eastern campaign indicate that:
>
> "The special nature of the Eastern campaign calls for special measures, to be carried out on personal responsibility beyond the range of any bureaucratic influences."

I omit the next extract from this document, since it is merely a repetition of the basic rules which I have already read into the record.

Having launched their criminal war, the Hitlerites directed it towards a mass extermination of the peaceful citizens of the Soviet Union and the countries of Eastern Europe. I have already read into the record several documents depicting the character of the Hitlerite murderers and the nature of their crimes. The latter consisted in the formation of large criminal units, specially trained by the leaders of the Hitlerite gang. It will, however, be clear to any criminologist that it is not sufficient to create these foul and criminal gangs—it is essential that once the crime has been perpetrated the criminal should feel that he has acted with complete impunity. In order that the crimes envisaged by the major criminals be fulfilled in their monstrous entirety, it became necessary to create for the minor criminals an atmosphere of complete impunity. In accordance with your wishes, Mr. President, I shall not quote the document previously read into the record as Number C-50 by the United States Prosecution, entitled, "Instructions Governing the Application of Martial Law and Special Measures To Be Adopted by the Army in the Barbarossa Area." But it appears to me that the contents of this document should be firmly borne in mind, for unless the meaning of this document is clearly understood it is quite impossible to envisage the series of wholesale crimes perpetrated by the Hitlerite criminals on the territory of the Soviet Union.

This order, signed by Keitel, though issued in Hitler's name, was accepted by all the soldiers and all the officers of the fascist army as a personal order from Hitler. What conclusions the German soldiery drew from this order of Keitel's is confirmed by a communication of the Extraordinary State Commission, to which I shall now refer. It deals with the atrocities committed in the city of Minsk by the German fascist invaders.

I submit this document to the Tribunal as Exhibit Number USSR-38 (Document Number USSR-38). It contains an excerpt from the testimony of the president of the military tribunal of the 267th German Rifle Division, Captain Julius Reichhof. I would ask the Tribunal to turn to Page 215 of the document book, to Column 1 of the text. I quote from the communication of the Extraordinary State Commission on the subject of Julius Reichhof's testimony:

> "According to an order issued by Hitler, German soldiers could not be committed to trial by court martial for acts committed against Soviet citizens. The soldier could be punished only by the commander of his own unit, should the latter deem the punishment necessary. By the same order Hitler granted even more extensive rights to all German Army officers. They could destroy the Russian population according to their own discretion.
>
> "The commander had full right to apply punitive measures to the peaceful population: He was allowed to burn down, *in toto,* villages and towns, rob the population of supplies and livestock, and, on his own responsibility, deport Soviet citizens to Germany for slave labor. Hitler's order was brought to the attention of every single soldier of the German Army on the eve of the attack on the Soviet Union. In accordance with Hitler's order, the German soldiers, under the leadership of their officers, committed all sorts of atrocities."

But even this appeared insufficient to the Hitlerite leaders. In 1942 they considered it necessary to reconfirm, by a sharp directive brooking no exception, that any crime perpetrated by the German fascist soldiery against the peaceful citizens of the Soviet Union should go completely unpunished. The Reich and military leaders particularly emphasized the fact that atrocities committed should so remain unpunished, even if the victims of these atrocities happened to be women and children.

THE PRESIDENT: What was the reference to what you called "sharp directive"?

MR. COUNSELLOR SMIRNOV: I will at once submit to the Tribunal this directive as Exhibit Number USSR-16 (Document Number USSR-16). It is a photostatic copy of the document certified by the Extraordinary State Commission. The Tribunal will find the text of this directive on Page 219 of the document book. This directive is signed by Keitel and entitled "The Combating of Guerillas." The document is dated 16 December 1942. I will quote this document practically in full, starting with the title.

> "Subject: The Combating of Guerillas; top secret.
>
> "The Führer has been informed that certain members of the Wehrmacht who took part in the struggle against the guerilla bandits were later called to account for their behavior while fighting."

My colleague, Colonel Pokrovsky, Mr. President, explained to the Tribunal yesterday that any resistance movement on the part of the peaceful population was termed "banditry." I will therefore not detain the Tribunal's attention any longer in an attempt to decode this German fascist term.

> "In this connection the Führer ordered...."

I omit one paragraph and continue the quotation, Page 219 of the document book:

> "If the repression of the guerillas in the East, as well as in the Balkans, is not pursued with the most brutal means, it will not be long before the forces at our disposal will prove insufficient to exterminate this plague.
>
> "The troops therefore have the right and the duty to use, in this struggle, any and unlimited means, even against women and children, if only conducive to success."

I emphasize that the directive mentions all possible means of retribution against women and children. I continue to quote:

> "Scruples of any sort whatsoever are a crime against the German people and against the front-line soldier who bears the consequences of attacks by guerillas and who has no comprehension for any regard shown to the guerillas or their associates.
>
> "These principles must serve as a basis for using the 'Directive for Combating Guerillas in the East.'
>
> "2. No German participating in combat action against guerillas or their associates is to be held responsible for acts of violence either from a disciplinary or a judicial point of view.
>
> "Commanders of troops engaged in combat action against the bands are obliged to see to it that all officers of units under their command be immediately and thoroughly notified of this order, that their legal advisers be immediately acquainted therewith, and that no judgments be passed which are in contradiction to this order.
>
> "Signed, Keitel."

I hereby conclude the presentation of the documents referring to the first two sections of the list read into the record at the opening of the report. The materials which I have hitherto submitted to the Tribunal were to prove three facts:

1. Direct instigation, by the major criminals, to the perpetration of appalling crimes against wide circles of the peaceful population, by the German Armed Forces.

2. Special education by the Hitler leadership of mass criminal units for the practical realization of its plans for the extermination of peoples.

3. General unleashing of the criminals' basest instincts in an atmosphere of complete impunity for the perpetrators of the crimes.

These purposes were fully achieved by the major war criminals. The Hitlerites committed crimes against the peaceful populations in the occupied territories of the Soviet Union and in the Eastern occupied countries which, in their extent, in the cruelty of the methods applied, as well as in the cynicism and brutality of purpose of the organizers and perpetrators of the crimes, are without precedent in the history of the world.

I should like to submit evidence which characterizes the extent and the methods of these crimes of the German fascists. I should like to show exactly what Keitel's order for the "pacification" of the occupied territories meant in the lives of the peaceful population.

The introduction of this regime of terror was the first sign of the arrival of the fascist authorities, whether military or civilian, in the territory of the U.S.S.R. or of other Eastern European countries. Moreover, this regime of terror was not exclusively confined to more savage forms of brutality. It also assumed the form of shameless outrages perpetrated against the honor and dignity of the victims of the German fascists. At the same time the terrorists primarily vented their misdeeds on the heads of such citizens whom they considered politically active and most capable of resisting them.

In confirmation of this fact I refer to a document which I have previously presented to the Tribunal as Exhibit Number USSR-6 (Document Number USSR-6), which is a report of the Extraordinary State Commission on "Crimes Committed by the Germans in the Territory of the Lvov Region." The Tribunal will find the passage to which I am referring on Page 58 of the document book, in the first column of the text, in the last paragraph. I begin the quotation:

> "Even before the seizure of Lvov the Gestapo detachments had at their disposal, pursuant to an order by the German Government, lists of the most prominent representatives of the intelligentsia doomed *a priori* to annihilation. Mass arrests and executions began immediately after the seizure of Lvov. The Gestapo arrested a member of the Union of Soviet Authors, an author of numerous literary works, Professor Thaddeus Boi-Dhelensky, a professor of the Medical Institute; Roman Renzky, the principal of the University; Vladimir

> Seradsky, Professor of Forensic Medicine; Roman Longchamp de Berrier, Doctor of Juridical Science, together with his three sons, Professor Thaddeus Ostrovsky, Professor Jan Grek, and Professor of Surgery Heinrich Gilyarovich. . . ."

There follows a long list containing 31 names of outstanding intellectuals of the city of Lvov. I omit the enumeration of their names and continue quoting from the next paragraph:

> "Groer, a professor of the Medical Institute at Lvov, who fortuitously escaped death, has told the Commission what follows:
>
> "'When I was arrested at midnight of 3 July 1941 and placed in a truck, I met Professors Grek, Boi-Dhelensky, and others. We were taken to the hostel of the Abragamovitch Theological College. While we were led along the corridor the members of the Gestapo jeered at us, hitting us with rifle butts, pulling our hair, and hitting us over the head. . . . Later on I saw, from the hostel of the Abragamovitch Theological College, the Germans leading five professors under escort, four of whom were carrying the blood-bespattered body of the son of the famous surgeon Rouff, murdered by the Germans during his interrogation. Young Rouff, too, had been a specialist. The entire group of professors were taken under escort to the Kadetsky Heights, and 15 to 20 minutes later I heard rifle fire from the direction in which the professors were taken.'"

In order to humiliate dignity, the Germans resorted to the most refined methods of torture and then shot their victims. Goldsman, an inhabitant of Lvov, has testified before the special commission that he personally saw how, in July 1941:

> "Twenty people, including four professors, lawyers, and physicians, were brought by the SS into the courtyard of House Number 8, on Artishevsky Street. One of them I know by name, Doctor of Juridical Science Krebs. Among them were five or six women. The SS forced them to wash the stairs leading from the seven entrances to the four-story house, with their tongues and lips. After those stairways were washed, the same people were forced to collect garbage in the courtyard with their lips. All garbage had to be transferred to one place in the courtyard. . . ."

I omit the end of this paragraph and continue from the next paragraph:

> "The fascist invaders carefully concealed the extermination of the intelligentsia. To repeated requests of relatives and friends concerning the fate of these men of science, the Germans replied, 'Nothing is known.'

"In the autumn of 1943, on the order of Reich Minister Himmler, the Gestapo men burned the bodies of the murdered professors. Mandel and Korn, former internees of the Yanovsky Camp, who dealt with the exhumation of the bodies, have told the Commission the following:

"'During the night of 5 October 1943, acting on orders from the Gestapo, we opened a pit between Kadetskaya and Bouletskaya streets by the light of searchlights and took from it 35 bodies. We burned all these corpses.

"'While lifting the corpses from the pit we found the documents of Professor Ostrovsky, of Otoshek, Doctor of Natural Science, and of Kasimir Bartel, Professor of the Polytechnical Institute.'

"The investigation established that during the first few months of the occupation the Germans arrested or killed more than 70 of the most prominent scientists, technologists, and artists in the city of Lvov."

What I have just said does not in any way infer that the leaders of local organizations and representatives of the intelligentsia alone were victims of the fascist terror. I only wanted to make it clear that the fascist terror was directed in the first instance against these people.

But one of the characteristic features of Hitlerite terrorism was the fact that it was decreed by the German fascist leaders and materialized by the executioners as a general reign of terror.

To confirm this I refer to a document previously submitted to the Tribunal but not read into the record. It is Document Number USSR-63, which is a report of the Extraordinary State Commission for the investigation of German atrocities in the town of Kerch.

Kerch is a comparatively small town. It is separated from Lvov by many hundred of kilometers. Although the German invaders arrived in Lvov in the beginning of July 1941, they only reached Kerch in November. In January 1942 they had already been driven out by Red Army units.

Thus, the entire period of the first occupation of the city of Kerch—the city of Kerch has been occupied two times—by the Germans was short-lived and did not last more than 2 months. But here are the crimes perpetrated by the German fascists in this town. I begin the quotation. The Tribunal will find the passage in question on Page 227 of the document book, Column 2, Paragraph 5:

"After capturing the city in November 1941, the Hitlerites immediately issued an order to the following effect:

> "The inhabitants of Kerch are ordered to deliver all family food stocks to the German Kommandos. Owners of undelivered and detected supplies will be shot.
>
> "By the next order, Number 2, the town council ordered the inhabitants to register immediately all hens, roosters, ducks, chickens, turkeys, geese, sheep, cows, calves, and cattle. Poultry owners were strictly prohibited from using fowl and cattle for their own needs without special permission of the German commandant. After the publication of these orders a wholesale search of all apartments and houses began.
>
> "The members of the Gestapo behaved outrageously. For each kilogram of beans or flour discovered in excess, the head of the family was shot.
>
> "The Germans initiated their monstrous atrocities by poisoning 245 children of school age."

Later on you will see the small bodies of these children in our documentary film. The infants' bodies were thrown into the city moat.

> "According to instructions issued by the German commandant, all the school children were ordered to appear at the school at a given time. On arrival, the 245 children, school books in hand, were sent to a factory school outside the town, allegedly for a walk. There the cold and hungry infants were offered coffee and poisoned pies. Since there was not enough coffee to go round, those who did not get any were sent to the infirmary where a German orderly smeared their lips with a quick-acting poison. In a few minutes all the children were dead. School children of the higher grades were carried off in trucks and shot down by machine gun fire 8 kilometers outside of the town. The bodies of the first batch of murdered children were brought to the same spot—a very large, very long, antitank trench."

I continue the quotation:

> "On the evening of 28 November 1941 an order, Number 4, of the Gestapo was posted in the town. In compliance with this order the inhabitants who had been previously registered with the Gestapo were to present themselves on 29 November between 0800 and 1200 hours at the Sennaya Square, with a 3 days' supply of food. All the men and women were to appear, regardless of their age or state of health. Those who did not present themselves were threatened with public execution. Those who arrived at the square on 29 November were persuaded that they had been summoned in order to be sent to work. At noon over 7,000 people assembled in the square. There were young boys, young girls, children of all

ages, very old men, and pregnant women. All were transferred to the city prison by the men of the Gestapo. This monstrous extermination of the peaceful population in the prison was carried out by the Germans according to a previously formulated plan of the Gestapo. First of all, the prisoners were asked to hand over the keys of their apartments and to give their exact addresses to the prison commandant. Then all the valuables were taken from the arrested people, including watches, rings, and ornaments. In spite of the cold, boots, felt-boots, shoes, costumes, and coats were removed from all the persons incarcerated. Many women and girls in their teens were separated from the rest of the internees by the fascist blackguards and locked in separate cells, where the unfortunate creatures were subjected to particularly outrageous forms of torture. They were raped, their breasts cut off, their stomachs ripped open, their feet and hands cut off, and their eyes gouged out.

"After the Germans had been thrown out of Kerch, on 30 December 1941, Red Army soldiers discovered, in the prison yard, a formless mass of bodies of young girls, naked, mutilated, and unrecognizable, who had been savagely and cynically tortured to death by the fascists.

"As a site for the mass execution, the Hitlerites selected an antitank ditch near the village of Baguerovsko where for 3 days on end autobuses brought entire families which had been condemned to death.

"When the Red Army entered Kerch, in January 1942, the Baguerovsko trench was investigated. It was discovered that this trench—1 kilometer in length, 4 meters in width, and 2 meters in depth—was filled to overflowing with bodies of women, children, old men, and boys and girls in their teens. Near the trench were frozen pools of blood. Children's caps, toys, ribbons, torn-off buttons, gloves, milk bottles, and rubber comforters, small shoes, galoshes, together with torn-off hands, feet, and other parts of human bodies were lying nearby. Everything was spattered with blood and brains.

"The fascist savages shot down the defenseless population with dum-dum bullets. Near the edge of the trench lay the mutilated body of a young woman. In her arms was a baby carefully wrapped up in a white lace cover. Next to this woman lay an 8-year-old girl and a boy of 5, killed with dum-dum bullets. Their hands still gripped the mother's dress."

The circumstances of the executions are confirmed by the statements of numerous witnesses who were lucky enough to escape unharmed from the open grave. I am going to quote two statements. Twenty-year-old Anatol Ignatievich Bondarenko, now a soldier in the Red Army, states:

> "When we were brought up to the antitank trench and lined up alongside this fearful grave, we still believed that we had been fetched in order to fill in the trench with earth or to dig new ones. We did not think we had been brought there to be shot, but when we heard the first shots from the automatic guns trained on us, I realized we were about to be murdered. I immediately hurled myself into the trench and hid between two corpses. Thus, unharmed and half fainting, I lay nearly until the evening. While lying in the trench I heard several of the wounded call to the gendarmes shooting them, 'Finish me off, blackguard!' 'You missed me, scoundrel! Shoot again!' Then, when the Germans went off to dinner, an inhabitant of my village called out from the trench, 'Get up, those of you who are still alive.' I got up and the two of us began to drag out the living from underneath the corpses. I was covered with blood. A light mist hung over the trench—steam arising from the rapidly-congealing mass of dead bodies, from the pools of blood, and from the last breath of the dying. We dragged out Theodor Naoumenko and my father, but my father had been killed outright by a dum-dum bullet in the heart. Late at night I reached the house of some friends in the village of Baguerovsko and stayed with them until the arrival of the Red Army."
>
> Witness A. Kamenev stated:
>
> "The chauffeur stopped the car behind the airdrome, and we saw Germans shooting people near the trench. We were dragged out of the car and pushed toward the trench in batches of 10. My son and I were among the first 10. We reached the trench. We were lined up facing it, and the Germans began their preparations to shoot us in the nape of the neck. My son turned to them and shouted, 'Why are you shooting the peaceful population?' But the shots rang out and my son instantly jumped into the trench. I threw myself in after him. Dead bodies began to fall upon me in the trench. About 3 p.m. an 11-year-old boy stood up from among the pile of corpses and began to call, 'Little fathers, those of you who are still alive, get up. The Germans have gone.' I was afraid to do so, since I thought that the boy was shouting by order of the policeman. The boy called out a second time, and then my son answered him. He stood up and asked, 'Dad, are you alive?' I could not say anything and merely nodded. My son and the other boy dragged me out

> from under the bodies. We saw some others who were still alive and who were shouting, 'Help us.' Some were wounded. All the time, while I had been lying in the trench, under the bodies of the dead, I could hear the shrieks and wails of the women and children. The Germans had started shooting old men, women, and children after shooting us."

I interrupt the quotation here. Although the subsequent text does deal with many other appalling atrocities committed by the Germans, it is, in substance, analogous to the passages which I have already read into the record, relating to crimes perpetrated by the Germans in the town of Kerch. I would, however, invite the Tribunal's attention to the part referring to the ill-treatment of children. On the whole, these crimes are highly characteristic of the German fascist terror. I quote:

> "The German barbarians, in their atrocious ill-treatment of the Soviet people, did not even spare the children. A school teacher, M. N. Kolessnikova, stated that the Germans killed a 13-year-old boy for taking an old car tire and trying to swim in it while bathing in the sea.
>
> "The following incident happened, according to the testimony of E. N. Sapelnikova:
>
> "Maria Bondarenko, who lived in the village of Adjimushkaya, in an attempt to save her three children from starvation, appealed to some Germans working in the kitchen, for a little food. They poured some thin gruel into a small bowl. The Bondarenko family ate it greedily. A few hours later the mother and all three children were dead. The fascist henchmen had poisoned them.
>
> "It has been ascertained from the testimony of N. H. Shoumilova that in July a German officer shot a 6-year-old boy merely because he was singing a Soviet song in the streets of the town.
>
> "Practically all summer long the dead body of a 9-year-old boy dangled in the 'Sacco and Vanzetti' garden; the child had been hanged for plucking some apricots from a tree."

Here I end my quotation from the report on the town of Kerch.

In my statement I have dwelt on the example of Kerch not because the atrocities committed by the Hitlerites in this town were on a particularly large scale or because they stood out, by reason of their cruelty, among the other crimes perpetrated by the Germans—the documents relevant to these latter crimes are at our disposal. Certainly not. On the contrary, I have quoted the report of the Extraordinary State Commission only because it gives a detailed and objective record of Hitlerite military crimes committed against peaceful citizens of one of the many towns which, as a result of a monstrous war unleashed by the German fascist criminals, were doomed to become the victims of a terrorist regime. Such atrocities were perpetrated by the Hitlerites in all the temporarily occupied cities of the Soviet Union.

In confirmation of this statement I now turn to a document of a general nature, which has already been submitted to the Tribunal as Exhibit Number USSR-51 (Document Number USSR-51) but parts of which have not yet been read into the record. I am referring to the note of the People's Commissar for Foreign Affairs, V. M. Molotov, of 27 April 1942. In their introduction to this note, the Soviet Government made the following statement—I start my quotation from Paragraph 2 of the reverse side of the Russian text, Paragraph 3 after the heading of the document book. There you will find the following remarks:

> "Fresh information and documents are being submitted to the Soviet Government to the effect that the Hitlerite invaders are carrying on a wholesale looting of the Soviet population and do not shrink from any crimes and acts of cruelty or violence on the territories which they temporarily occupied or which they still continue to occupy. The Soviet Government have already declared that these atrocities do not represent accidental excesses perpetrated by single undisciplined military units or by individual German officers or men. The Soviet Government are now in possession of documents recently seized in the staffs of routed German formations, which prove that the carnage and atrocities committed by the fascist German Army were perpetrated in accordance with carefully elaborated plans issued by the German Government, in pursuance of orders from the German High Command."

I omit the subsequent parts and continue with Section V of the note. The Tribunal will find the passage which I am about to quote on Page 8 of the document book, Column 1 of the text, Paragraph 5.

I should like to add a few introductory words to the quotation. It is quite evident from the text of this note how the orders of the Reich leadership concerning the establishment of a regime of terror were executed, in the occupied territories, by the various commissioners of the occupied territories, by the Gauleiter, and by the commanders of German military units. I quote the beginning of Section V of this note—Page 8 of your document book, Column 1, Paragraph 5:

> "The inhuman cruelty which the Hitlerite clique—begotten in violence and against the will of the German people—displayed against the inhabitants of the European countries temporarily occupied by the German Army was multiplied a

hundredfold by the enemy forces after their invasion of the Soviet Union.

"The carnage to which the Hitlerites exposed the peaceful population of the Soviet Union has far overshadowed the most bloodstained pages of the annals of mankind, as well as of the current world war, and fully reveals the bloodthirsty and criminal plans of the fascists, aimed at the extermination of the Russian, Ukrainian, Bielorussian, and other nationals of the Soviet Union.

"These monstrous fascist plans inspired the orders and instructions of the German High Command for the extermination of the peaceful Soviet citizens.

"Thus, for instance, the instructions of the German Supreme Command, entitled, 'Treatment of the Civilian Population and of Enemy Prisoners of War,' reads to the effect that officers are responsible that the treatment of the civilian population be absolutely merciless, and commands that 'force be used against the entire mass of the population.' The instructions issued by the German High Command as a directive for the occupational authorities on Bielorussian territory read as follows:

"'All hostile behavior on the part of the population toward the German Armed Forces and their organizations will be punished by death. Whosoever shelters Red Army soldiers or partisans will be punished by death. If the partisan cannot be found, hostages must be taken from among the population.'"

THE PRESIDENT: What is the exhibit number of what you are reading now? What is the U.S.S.R. number of what you are reading now?

MR. COUNSELLOR SMIRNOV: This document was submitted as Exhibit Number USSR-51. It is one of the notes of the People's Commissar for Foreign Affairs, Molotov, dated 27 April 1942. All together, four notes have been submitted to the Tribunal under this number. The beginning of the note which I am now quoting is on Page 4 of your document book. The quotation which I am now reading into the record is on Page 8 of your document book.

THE PRESIDENT: It is thought that this is part of the document you read yesterday. Are you sure that it is not?

MR. COUNSELLOR SMIRNOV: No, Mr. President. Yesterday I read into the record a note dated 6 January 1942, and the note which I am quoting now is dated 27 April.

Have I your permission to continue?

THE PRESIDENT: Yes.

MR. COUNSELLOR SMIRNOV: "'These hostages must be hanged if the guilty parties or their accomplices are not found within 24 hours. During the following 24 hours, double the number of hostages will be hanged on the same spot.'

"Point 7 of Order Number 431/41 of the German commandant of the town of Feodosia, Captain Eberhard, states:

"'During an alarm every citizen appearing on the street must be shot. Groups of citizens who appear must be surrounded and mercilessly shot. Leaders and inciters are to be publicly hanged.'

"In a directive addressed to the 260th German Infantry Division, concerning the treatment of the civilian population, it is pointed out to the individual officers that 'sufficient severity is not being applied everywhere.'

"Orders posted by the occupants in the Soviet towns and villages announce the death penalty for the most varied reasons: For being on the streets after 1700 hours; for offering lodging for the night to strangers; for not handing over Red Army soldiers to the authorities; for failing to hand over property; for attempting to put out a fire in an inhabited spot intended to be burned down; for travelling from one inhabited spot to another; for refusing to do forced labor; and so on."

I continue this quotation on Page 8, reverse side of the second column of the text, Paragraph 2:

"The German fascist High Command not only tolerates but actually orders the murder of women and children. Organized infanticide in some of the orders is presented as a means for fighting the partisan movement. Thus, an order of the commander of the 254th German Division, Lieutenant General Von Beschnitz, dated 2 December 1941, considers the fact that 'old people, women, and children of all ages', move about behind the German lines as proof of 'careless good nature,' and orders the shooting without warning of 'every civilian person regardless of age or sex approaching our front lines.' It also orders that the 'mayors be made responsible for reporting immediately the appearance of any unknown persons, and especially of children, to the local Kommandantur' and to 'shoot immediately any person suspected of espionage.'"

Some data regarding the directives received from the Reich authorities by the fascist authorities in the temporarily occupied territories are also contained in the note. I quote from Page 9 of your document book, Paragraph 3, Column 1 of the text:

"Some of the crimes of the German occupiers committed by them during the very first weeks of their piratical attack on the U.S.S.R., and their savage extermination of the civilian population of Bielorussia, the Ukraine, and the Baltic Soviet republics, have only now been documentarily established. Thus, when units of the Red Army in the district of the town of Toropetz, in January 1942, smashed a German SS cavalry brigade, among the documents captured was found a report of the 1st Cavalry Regiment of this brigade concerning the 'pacification' by this unit of the Starobinsk district in Bielorussia. The commander of the regiment reports that besides taking 239 prisoners a detachment of his regiment has also shot 6,504 peaceful civilians. The report further states that the detachment acted in pursuance of Order Number 42 issued to the regiment, dated 27 July 1941. The commander of the 2d Regiment of this brigade, Von Magill, states, in his 'Report Concerning the Execution of Repressive Operations on the River Pripet between 27 July and 11 August 1941,' the following:

"'We drove the women and children into the swamp, but that did not produce the desired result, since the swamp was not deep enough for them to drown. One can usually feel bottom (possibly sand) at a depth of 1 meter.'

"In the same headquarters a telegram, Number 37, was found, sent by the commander of the SS Cavalry Brigade."

THE PRESIDENT: Shall we adjourn now for 10 minutes?

[A recess was taken.]

MARSHAL: May it please the Court, regarding the Defendant Hess, he will be absent until further notice on account of illness.

MR. COUNSELLOR SMIRNOV: I continue the quotation:

"In the same headquarters there was discovered a telegram, Number 37, from the commander of the Cavalry Brigade, an SS-Standartenführer, to a cavalry unit of the above-mentioned 2d Cavalry Regiment, dated 2 August 1941. It mentioned that the Reichsführer of the SS and the Police, Himmler, considers the number of the exterminated peaceful civilians far too insignificant; and it points out that 'it is necessary to take radical measures' and 'the unit commanders conduct the operations too mildly.' He also orders to report every day on the number of people shot."

In this connection we cannot abstain from mentioning the criminal activities of the Defendant Rosenberg in carrying out the general instructions of the Reich leadership for establishing a regime of terror in the Occupied Eastern Territories or rather, if we wish to be more accurate, for issuing, in his capacity as chief author of these instructions, a series of laws in Ostland—this, as we know, was the name given to the occupied regions of the Baltic States—while similar orders and instructions of a terroristic nature were also issued by high ranking officials of the fascist administration set up by Rosenberg.

I submit to the Tribunal Exhibit Number USSR-39 (Document Number USSR-39), the report of the Extraordinary Commission on the atrocities of the German fascist invaders in the territory of the Estonian S.S.R. I quote an excerpt which Your Honors will find on Page 232 of the document book in the first column of the text, Paragraph 3. It begins as follows:

> "On 17 July 1941 Hitler issued a decree turning over the legislative powers of the territory of Estonia to Reich Minister Rosenberg, who later turned over this legislative power to the German district authorities.
>
> "Despotism was introduced into Estonia and the peaceful population subjected to brutal terrorism. Reich Minister Rosenberg, the Reich Commissioner for the Baltic regions, Lose, and the Commissioner General of Estonia, Litzmann, completely deprived the Estonian people of all political rights. On the basis of Hitler's decree of 17 July 1941, Reich Minister Rosenberg promulgated, on 17 February 1942, a special law for people of non-Germanic nationality, providing capital punishment for the slightest resistance against Germanization and for any act of violence against people of German nationality.
>
> "For workers and employees of Estonian origin the occupants introduced corporal punishment. On 20 February 1942 an official of the railroad administration in Riga, Walk, sent the following telegram to the administration of the Estonian railroads:
>
> " 'Every violation of discipline on the part of a native employee, especially absenteeism, being late for work, coming drunk to work, disobeying orders, and so forth, shall from now on be punished with the utmost severity: (a) For the first offense, 15 strokes with a lash on the bare body; (b) if the offense is repeated, 20 strokes with a lash on the bare body.'
>
> "On 12 January 1942 Reich Minister Rosenberg established 'special courts,' consisting of a police officer, as president, and two subordinate policemen. The procedural rules were determined by this court at its own discretion. These 'courts' pronounced death sentences with confiscation of property. No

> other penalty was ever decreed. No appeal against the sentences was admitted. In addition to the 'courts' established by Rosenberg, death sentences were pronounced by the German political police, and these sentences were carried out on the very same day.
>
> "For the examination of criminal and civilian cases, Commissioner General Litzmann introduced local courts. Judges, prosecutors, investigating magistrates, notary publics, and lawyers—all, without exception, were personally appointed by Litzmann."

I end the quotation.

I further submit to the Tribunal, as our Exhibit Number USSR-18 (Document Number USSR-18), a photostat of a plain-spoken terroristic order of the German military authorities, and I beg Your Honors to accept this document as a relevant part of the evidence. This is an order of the German town commander of the city of Pskov. The Tribunal will find the text of this order on Page 235 of the document book. It is evident from this document that the peaceful civilian population was even forbidden to appear on the highways of their own locality. Any peaceful citizens seen there by the German soldiers were to be shot. I quote the text of the document, beginning with Paragraph 3:

> "Therefore, I order:
>
> "1. All members of the civilian population, regardless of age or sex, seen on or in the vicinity of railroad tracks are to be considered as bandits and shot as such. Excepted, of course, are the labor units under guard.
>
> "2. All people mentioned in the first paragraph who cross the fields are to be shot.
>
> "3. All persons mentioned in Paragraph 1 who are found on the roads at night or at dawn are to be shot.
>
> "4. Persons mentioned in Paragraph 1, if found on the roads during the daytime, are subject to arrest and the most detailed examination."

Such were the terroristic decrees and orders based upon the so-called Leadership Principle that were issued by high-ranking officials and representatives of the military authorities of the fascist German Government. But the right of relentless reprisals against the peaceful populations was not confined to them only; any local Kommandantur, any commander of a small unit, and, finally, any soldier of Hitler's army acquired the right of reprisal against the peaceful population of the occupied regions.

I shall now submit to the Tribunal several documents which will reveal how the Hitlerite criminals invariably made the most of this right, introducing into the crimes perpetrated against the Soviet people the cruel devices of base and evil creatures who had been granted the right of mocking and murdering with impunity. I submit to the Tribunal, as Exhibit Number USSR-9 (Document Number USSR-9), a report of the Extraordinary State Commission on the atrocities perpetrated by the German fascist occupiers in the city of Kiev. The Tribunal will find the passage in question on Page 238 of the document file, Paragraph 5 of Column 1 of the text. I quote:

> "The German executioners, from the very first days of their occupation of Kiev, carried out a wholesale slaughter of the population by torture, shooting, hanging, and poisoning by gas in the murder vans. People were seized in the streets and shot either in large batches or singly. Announcements of the shootings were posted in order to intimidate the population."

I shall interrupt my quotation at this point, and I ask the Tribunal to accept in evidence photostats of several of these posters. Partial mention has already been made of them in the report of the Extraordinary State Commission. From among their number, I would request the Tribunal to accept in evidence the photostat of one such poster, which I submit as Exhibit Number USSR-290 (Document Number USSR-290). The text reads as follows—I ask the Tribunal to excuse me if the translation is, perhaps, slightly incorrect, since the original text is in Ukrainian. I am a Russian, I understand the meaning of the Ukrainian text, but the translation might possibly not be quite correct in every detail. A translation will be made. Here is the text:

> "As a reprisal for an act of sabotage, 100 inhabitants of the city of Kiev were shot this day. Let this be a warning.
>
> "Every inhabitant of Kiev is co-responsible for every act of sabotage.
>
> "Kiev, 22 October 1941; The Town Commandant."

Under Exhibit Number USSR-291 (Document Number USSR-291)—the Tribunal will find the text on Page 243 of the document book—I submit a photostat of the following poster, signed by the commandant of the city of Kiev. I quote the text:

> "Means of communication—telephone and telegraph wires—have been damaged in Kiev. Since the saboteurs could not be found, 400 men have been shot in the city.
>
> "This should serve as a warning to the population, and once again I demand that all suspects be immediately reported to the German troops or the German police in order that the criminals may be adequately punished.
>
> "Signed: Eberhard, Major General and City Commandant, Kiev; 29 November 1941."

As Exhibit Number USSR-333 (Document Number USSR-333), I submit a photostat of the third and last poster in Kiev. The Tribunal will find the text of this poster on Page 242 of the document book at the disposal of the Tribunal. I quote:

> "Repeated cases of arson and sabotage in Kiev force me to resort to extreme measures. Consequently, 300 inhabitants of Kiev will be shot today. For every new case of arson or sabotage, several times this number will be shot. Every inhabitant of Kiev is obliged to report any suspects to the German police. I shall maintain order and calm in Kiev by all measures at my disposal and under any circumstances.
>
> "Kiev, 2 November 1941; Eberhard, Major General and City Commandant."

I refer to another document which has not even been partially read into the record. I refer to Exhibit Number USSR-63 (Document Number USSR-63) of the Commissar of the Djerjinski District Council of the city of Stalingrad. I invite the Tribunal's attention to the fact that this official act, which was drawn up by the members of the local Soviet authorities and the community of the Djerjinski District of Stalingrad, was approved by the Extraordinary State Commission under the signature of a member of the commission, Academician Trainin, and of other persons. The members of the Tribunal will find the act in question on Page 222 of the document book, Column 1 of the text.

I shall begin the quotation of the report of the commission, which investigated the territory of the Djerjinski District of Stalingrad after the rout of the Germans at Stalingrad. This report contains information regarding the announcements posted in the streets of Stalingrad by the German Kommandantur and concerning the results of these posters. I begin my quotation on Page 222 of the document book in the possession of the members of the Tribunal, in Column 1 of the text, last paragraph:

> " :.. the military Kommandantur sowed death everywhere. It posted announcements in the streets, threatening death by shooting at every step. For instance, the following announcement was posted up in Aral Street: 'Death to him who passes here.' On the corner of Nevskaya and Medveditzkaya Streets: 'Right of way forbidden to Russians; for violation of this order—death.'
>
> "As a matter of fact, the Germans shot the citizens at every step: Hundreds of graves along the streets of the Djerjinski District of the city of Stalingrad bear witness to the shooting. The bodies of those who were tortured, shot, or hanged in the Kommandantur proper were at first thrown into a pit near the building of the Kommandantur. After the invaders had

been thrown out, there were found 31 corpses in this pit. When the pit was full, the corpses were brought to the cemetery 2 kilometers away from the Kommandantur. At the cemetery there was another pit, 6 meters deep, 40 meters long, and 12 meters wide.

"After the invaders had been thrown out, 516 corpses of Soviet citizens were found in this grave, including the bodies of 50 children who had been tortured to death, shot, or hanged in the building of the Kommandantur and in other places. An examination of the bodies on 25 March 1943 established that the Hitlerites had savagely tortured the Soviet people before murdering them. In addition to the bodies of the children, the corpses of 323 women, 69 old men, and 74 younger men were discovered. One hundred and forty-one corpses bore traces of wounds inflicted by firearms in the head and on the chests; 92 corpses had marks on their necks which showed that they had been hanged. All the other bodies were mutilated and bore traces of torture. One hundred and thirty victims, women and girls, had their arms twisted behind their backs and tied with wire, and 18 of the corpses had their breasts cut off, some had their ears, fingers, and toes chopped off, and the majority showed traces of burns on their bodies.

"An examination of these corpses revealed that 21 women died of torture and wounds and that the remainder had been first tortured and then shot.

"Even the corpses of children were mutilated. Some had their small fingers cut off, their buttocks chopped up, their eyes gouged out."

I now cease to quote from this document, and, in compliance with the wishes of the Tribunal to the effect that not details but instances testifying to some new data in the system of the Hitler terror be reported, I omit three pages of the report and turn to the following section on the presentation of evidence: "On Tortures Inflicted by the Hitlerites in the Course of Interrogation."

In general, tortures were officially provided for and sanctioned by the Hitlerites. I present to the Tribunal, as Exhibit Number USSR-11 (Document Number USSR-11), one of the documents testifying to the fact that tortures were sanctioned officially. This document is an official guide for concentration camps, "The Concentration Camp Statutes," published in Berlin in 1941. You will find the excerpt I am quoting on Page 244 of the document book in your possession. Section 3 of the instructions, for instance, entitled, "Corporal Punishment," states:

"Between 5 and 25 strokes are permitted on the loins and buttocks. The number of strokes is to be determined by the camp commandant and is to be entered in the corresponding space in the directives governing punishment."

I should have liked to refer to one more document, but, as it already has been presented to the Tribunal, in compliance with the Tribunal's instructions, I will omit this document—it was presented as Document L-89—and continue.

Official formulas to be used in "especially severe interrogations" or, rather, interrogations with application of torture, were issued by the corresponding German police departments. I submit it to the Tribunal and would request them to accept in evidence an original formula of such an "especially severe interrogation." I submit it as Exhibit Number USSR-254 (Document Number USSR-254). It represents an appendix to the report of the Yugoslav Government. This form, as is evident from the certificate attached to it, was seized from the German archives by units of the Yugoslav Army. I shall not describe this form in my own words but shall quote the report of the Yugoslav Government on Page 21 of the document, from the last paragraph at the bottom of the page. The Tribunal will find this passage on Page 256 of the document book, in the last paragraph. I begin the quotation:

> "In order to give a clearer description of the savage cruelty in carrying out this plan of extermination, we submit to the Tribunal another original document which was seized in the German archives in Yugoslavia. It is a blank form for the so-called 'especially severe interrogations' of the victims of the Nazi criminals. Such interrogations were conducted in Slovenia by the Security Police and the SD.
>
> "On the first page of the form the police office suggests submitting one particular person to an 'especially severe interrogation.' On the second page the competent officer of the SS agrees to such an interrogation. The answer to the question—what this special 'severe interrogation' consisted of—is found in the following instructions of this form:
>
> "The especially severe interrogation should consist of.... Minutes of the interrogation should be kept. A doctor may (or may not) be asked to be present.
>
> "The mention of the doctor and of his presence at the interrogation leaves no doubt at all that the person interrogated was to be physically tortured. The fact that printed instructions existed for these interrogations obviously suggests a wholesale resort to such criminal methods."

The Reichsführer SS clearly foresaw cases of attempted suicide by persons under suspicion. The SS leader therefore not only permitted but even ordered the prisoners to be tied hand and foot or shackled in chains. I submit to the Tribunal, as Exhibit Number

USSR-298 (Document Number USSR-298), a photostat of a directive of the Chief of the German Police, Number 202/43, of 1 June 1943. The document is certified by the Extraordinary State Commission, and I quote the text of the document. The document is dated 1 June 1943. I quote only the text:

> "Subject: Prevention of Escape during Interrogations.
>
> "In order to prevent escape during interrogations in all cases where, owing to circumstances or the importance of the prisoner, there exists an increased possibility of escape or of an attempt to commit suicide, I order the hands and feet of the arrested person to be bound in such a way that escape is impossible. Rings and chains should be used if available."

I have not submitted the official directives of the German central police authorities to the Tribunal merely to prove that the German officials provided for the application of torture and torment during interrogations. This fact is well known and calls for no special evidence. But I am submitting a document, in the possession of the Soviet Prosecution, which will show how far tortures to which arrested persons were subjected in the police cells exceeded even the instructions issued by the criminals and the officially sanctioned forms of torture.

I submit to the Tribunal Exhibit Number USSR-1 (Document Number USSR-1), which is a report of the Extraordinary State Commission on the crimes of the German fascist aggressors in the region of Stavropol. The investigation of these crimes was conducted under the leadership of the eminent academician and Russian author, the late Alexei Nikolaievitch Tolstoy. The Tribunal will find this document on Page 272 of the document book. I begin my quotation from the first paragraph. Academician A. N. Tolstoy, as the Tribunal will doubtless remember, was a member of the Extraordinary State Commission. I begin the quotation:

> "Tortures and torments, exceptional in their cruelty, were applied to the Soviet citizens on the premises of the Gestapo. Thus, for instance, Citizen Phillip Akimovitch Kovalchuk, born in 1891 and an inhabitant of the town of Pyatigorsk, was arrested on 27 October 1942 in his own apartment, beaten unconscious, taken to the Gestapo, and thrown into one of the cells. Twenty-four hours later the Gestapo began to torture him; he was interrogated and beaten at night only. For the interrogation he was put in a separate torture chamber equipped with special devices for torture, such as chains with handcuffs for shackling both hands and feet. These chains were fastened to the cement floor of the chamber. To begin with, the prisoners were stripped to the skin and laid on the floor. Then their hands and feet were shackled. Citizen

Kovalchuk was subjected to this form to torture. When in chains, he was completely unable to move. He lay on his stomach and in this position was lashed with rubber truncheons for 16 days.

"Apart from these inhuman forms of torture, the Gestapo also resorted to the following: A wide board was placed on the back of the shackled prisoner, and blows were struck on this board with heavy dumbbells. As a result of these blows, the prisoner bled from the nose, mouth, and ears and lost consciousness.

"The torture chamber of the Gestapo was so constructed that while one prisoner was being tortured the prisoners awaiting their turn in the neighboring cell could watch the torture and ill-treatment.

"After the torture, the unconscious prisoner would be thrown on one side, while the next victim of the Gestapo would be forcibly dragged in from the neighboring cell, shackled, and tortured in the same fashion.

"The torture chambers were always covered with blood. The board placed on the back of the prisoners was also soaked in it. The rubber cudgels used for beating the prisoners were red with blood.

"The arrested Soviet people, doomed to be shot after unspeakable torture and beatings, were dragged into trucks, driven out of town, and there shot."

I omit two paragraphs and continue my quotation:

"Witness Barbara Ivanovna Tchaika, born in 1912, domiciled in Number 31, Djerjinskaya Street (Apartment Number 3), states that during her incarceration in the prison of the Gestapo she had been subjected to incredible torture by the Chief of the Gestapo, Captain Wintz. Witness B. I. Tchaika said on this subject:

" 'I was subjected to ill-treatment and torture by the Chief of the Gestapo, the German, Captain Wintz. He summoned me to the torture chamber once for an interrogation. There were four tables in the cell, wooden grills on the floor, and two basins of water in which leather thongs had been placed. Two rings were attached to the ceiling, with ropes drawn through them, from which the prisoners were suspended during the time of their torment. By order of Captain Wintz I was laid on the table by the Gestapo men, stripped, and beaten severely with leather thongs. I was beaten twice. In all I received 75 strokes of the lash; my kidneys were almost torn out and I lost eight of my teeth.' "

What occurred in the torture chambers of Stavropol was no exception at all. The same misdeeds were perpetrated everywhere. In confirmation I will refer to the report of the Extraordinary State Commission regarding the depredations and atrocities committed by the German fascist aggressors in the city of Kiev. That is Exhibit USSR-9 (Document Number USSR-9). The Tribunal will find this document on Page 238 of the document book, Paragraph 2 from the top, Column 2. I begin the quotation:

> "Murders were often preceded by sadistic torture. The Archimandrite Valerian testified that the fascists beat sick and feeble people till they were half-dead, poured water over them when the temperature was below zero, and finally shot them in the torture chamber of the German police, established in the Kievo-Petchersk Abbey."

I invite the attention of the Tribunal to the fact that the Kievo-Petchersk Abbey is one of the most ancient architectural monuments in the Soviet Union. It is a specially cherished cultural treasure, very dear to the heart of the Soviet citizens as a tangible memory of the far distant past. The torture chamber of the police had been purposely established in the Abbey. The Tribunal will learn of its eventual fate from the subsequent reports of my colleagues.

When the city of Odessa was under the rule of the fascist invaders, interrogations were accompanied by tortures of an exceptionally cruel nature. I refer to a testimony contained in the report of the Extraordinary State Commission, entitled, "On the Atrocities Committed by the German and Romanian Invaders in the City of Odessa and in the Territory of the Odessa Regions."

I submit this document to the Tribunal as Exhibit Number USSR-47 (Document Number USSR-47) and request that it be accepted as irrefutable evidence in accordance with Article 21 of the Charter. I shall quote this document, which is on Page 282 of your document book, Paragraph 4, Line 10. It contains the testimony of Paul Krapyvny, producer of news reels. I quote this passage from the report of the Extraordinary State Commission, Page 282:

> "The interrogator had a voltage control switch on the table, and whenever the person interrogated did not answer the question as the examiner wished, the dial of the voltage control would be mercilessly turned to increase the voltage; the body of the person interrogated would begin to tremble and his eyes to protrude from their sockets.
>
> "The person interrogated, with his hands tied behind his back, would be hoisted up to the ceiling... where he would be spun round and round. After having been rotated 200

> times in one direction, the victim, still suspended on the cord, would begin to turn at an insane speed in the opposite direction. At that particular moment the executioners would beat him on both sides with rubber truncheons. The man became unconscious both from the insane speed of the rotation and from the beating."

I refer to the document already presented by my colleague, Colonel Pokrovsky, Exhibit Number USSR-41 (Document Number USSR-41), which is a communication of the Extraordinary State Commission on the crimes committed by the German fascist invaders in the territory of the Latvian Soviet Socialist Republic. I shall quote from this document, beginning on Page 286 on the reverse side of the document book, Paragraph 2, Column 2 of the text. I begin the quotation:

> "In the camps and prisons the German executioners subjected prisoners to ill-treatment, torture, and shooting. In the central prison the internees were beaten and tortured. Day and night shrieks and groans were heard in the torture chambers. Every day from 30 to 35 people died as a result of the tortures. Whoever survived the ill-treatment and torture would return to his cell absolutely unrecognizable, burned to the bone, with parts of his body torn to pieces. No medical aid was given to the tortured."

The Hitlerites subjected Soviet citizens to ill-treatment and torture in every town of the Latvian Soviet Socialist Republic.

Your Honors will find analogous statements in the text of every communication of the Extraordinary State Commission. I shall not delay the Tribunal by quoting any further excerpts, I consider the evidence already presented as sufficient.

I shall now proceed to the next section of my report: murder of hostages.

I shall make a few introductory remarks.

One of the most shameful crimes perpetrated by the Hitlerites in Poland, Czechoslovakia, and Yugoslavia was the use everywhere by the German fascists of the bestial system of taking hostages. This system was introduced by the Hitlerites into all the countries that fell as victims of their aggression. The German criminals resorted to particularly ruthless methods when murdering hostages in Eastern Europe. In introducing the hostage-seizing system the Hitlerites violated every law and custom of warfare.

However, it is difficult to speak of the murder of hostages where the Soviet Union is concerned, since the crimes committed by the Hitlerites everywhere in the temporarily occupied territories of the U.S.S.R. go beyond even this criminal practice of taking hostages.

To a great extent the same remarks apply to Poland and particularly to Yugoslavia. Here the Hitlerites, under the pretext of the hostage-seizing system, were really perpetrating immeasurably greater war crimes, whose ultimate aim was the extermination of entire nations.

I shall now present some brief data from documents concerning the different countries of Eastern Europe.

I submit an extract from the report of the Government of the Polish Republic. The Tribunal will find the passage quoted on Page 128 of the document book, Paragraph 6. I begin the quotation:

> "a) One of the most disgraceful features of the Hitlerite occupation of Poland was the introduction of the hostage-seizing system. Collective responsibility, payment of collective fines, and the bartering of human life were considered to be the best methods for enslaving the Polish people.
>
> "b) Here are some typical cases of mass reprisals; they illustrate the methods employed by the German occupants.
>
> "c) In November 1939 an unknown person set fire to a barn filled with grain on the outskirts of Nove Miasto Lubavske. The barn was the property of a German. As a result of this action, a certain SS Standartenführer, Sperling, received an order from the higher authorities to resort to reprisals. A number of Poles from among the most prominent citizens were arrested. Out of those, 15 were selected and publicly shot by SS soldiers. Among the victims were the two brothers Jankovsky, one a lawyer, the other a priest, the tailor Malkovsky, the blacksmith Zemny, Major of the Army Reserve Vona, the son of an innkeeper, the publisher of a newspaper, and a priest, Bronislav Dembenovsky.
>
> "d) In October 1939 the German authorities captured a certain number of Poles in the city of Inovrozlav and imprisoned them as hostages. They were brought to the prison courtyard, where they were unmercifully flogged and shot, one by one. Altogether, 70 men were killed, including the city mayor and his deputy. Among the victims were the most prominent citizens of the town."

I omit the next sentence. I quote further:

> "e) On 7 March 1941 the film star, Igo Sym, who considered himself as being of German nationality and who was in charge of the German theaters in Warsaw, was murdered in his own apartment. Although the murderers were never found, the Governor of Warsaw, Fischer, said that Sym was murdered by the Poles and ordered the arrest of a large number of hostages. He also closed the theaters and imposed a curfew

on the Polish population. The hostages were taken in order to secure the arrest of the murderers. About 200 people were arrested, including teachers, priests, physicians, lawyers, and actors. The population of Warsaw was given 3 days to find Sym's murderers. After the expiration of the 3 days, the killers still remaining unknown, 17 hostages were executed, among them Professor Kopetz, his son, and Professor Zakrzhevsky."

I conclude this quotation from the report of the Polish Government and ask the Tribunal's permission to refer to a short excerpt from the report of the Czechoslovakian Government. There is one part I would like to read into the record. Your Honors will find it on Page 141 of the document book. I begin the quotation:

> "Even before the beginning of the war, thousands of Czech patriots and especially Catholic and Protestant clergymen, lawyers, doctors, teachers, and so on, were arrested. Furthermore, in every district lists were drawn up of persons who were subject to arrest as hostages at the first sign of any breach of 'public order and security.' At first these were only threats. In 1940 Karl Frank announced, in a speech to the leaders of the Movement of National Unity, that 2,000 Czech hostages, interned in concentration camps, would be shot if prominent Czech statesmen refused to sign the declaration of loyalty. Sometime after the attempt on Heydrich's life, many of these hostages were executed.
>
> "Threats of reprisals against directors of factories in case of some hitch in the work at the factory were a typical method of Nazi terrorism. Thus, in 1939 the Gestapo summoned all the directors as well as the managers of warehouses belonging to various industrial firms and informed them that they would be shot in case of a strike. On leaving they had to sign the following declaration: 'I am aware of the fact that I would be shot immediately should my factory cease working without a justifiable reason.'
>
> "In the same way, school teachers were held responsible for the loyal behavior of their pupils. Many teachers were arrested only because the pupils in their schools were caught writing anti-German slogans or reading forbidden books."

I now interrupt the quotation from the report of the Government of the Czechoslovakian Republic, and I begin to read the section recording the killings of hostages in Yugoslavia.

I shall just say a few words by way of introduction. These criminal murders of the peaceful population developed on their own particular lines in Yugoslavia. As a matter of fact, it is impossible at this point to speak of the execution of hostages, although the Hitlerites constantly make use of this term in their official documents, which will be presented to the Tribunal at a later date.

Truth to tell, under the alleged killing of hostages, the Hitlerite criminals were realizing, on an enormous scale, the regime of terroristic extermination of the peaceful citizens not only for crimes which somebody or other had committed, but also for crimes which, to Hitler's way of thinking, might be committed.

I submit the document that confirms this fact. It contains excerpts from the report of the Yugoslav Government, which Your Honors will find on Page 259 in the document book in their possession, Paragraph 1. I begin the quotation:

> "The murder of hostages was one of those methods which were used by military authorities and the Reich Government on an incredible scale for the mass extermination of the Yugoslav population.
>
> "The Yugoslav State Commission for the investigation of War Crimes has at its disposal an innumerable quantity of concrete details and original evidence taken from the German archives. We submit only a very limited number of such details and evidence, which are, however, sufficient proof that the killing of hostages was merely an item in the common plan in the systematic Nazi crime."

Further, the report of the Yugoslav Government quotes an order of the commander of the so-called Group West, General Brauner. I quote the following excerpt:

> "In regions captured by partisans, the seizure of hostages from all strata of the population remains in force as the only really successful means of intimidation."

To confirm the vast scale of the crimes of the Hitlerites in connection with the murder of hostages, the Yugoslav Government presents to the Tribunal six documents, which I now submit to Your Honors, and I ask for them to be incorporated into the record as evidence. I submit the following documents to the Tribunal:

Firstly, under Exhibit Number USSR-261 (Document Number USSR-261), a certified photostat of a poster of the commanding general and Commander-in-Chief of Serbia, dated 25 December 1942, in which he announces the shooting of 50 hostages. Secondly, as Exhibit Number USSR-319 (Document Number USSR-319), a certified photostat of a poster of the same commanding general, dated 19 February 1943, in which he announces the shooting of 400 hostages, which was carried out in Belgrade on the same date. Thirdly, as Exhibit Number USSR-320 (Document Number USSR-320), a certified photostat of a poster of the regional Kommandantur in

Pozarevatz, dated 3 April 1943, announcing the shooting of 75 hostages. Fourthly, as Exhibit Number USSR-321 (Document Number USSR-321), a certified photostat of a poster of the same regional Kommandantur of Pozarevatz, dated 16 April 1943, announcing the shooting of 30 hostages. Fifthly, a certified copy of a poster of the military commandant of Belgrade, dated 14 October 1943, in which he announces the shooting of 100 hostages. I submit this document as Exhibit Number USSR-322 (Document Number USSR-322).

I continue my quotation from the report of the Yugoslav Government:

> "Planned and systematic murder of hostages is revealed by the following testimonies, collected by the Yugoslav State Commission for the investigation of war crimes on the basis of confiscated German archives and data found in the archives. The testimonies refer to Serbia only:
>
> "Four hundred and fifty hostages were shot on 3 October 1941 in Belgrade; 200 hostages were shot on 17 October 1941, in Belgrade; 50 hostages were shot on 27 October 1941, in Belgrade; 100 hostages were shot on 3 November 1941, in Belgrade.
>
> "Further testimonies show the terrible increasing number of these crimes at that time:
>
> "Ten hostages shot on 12 December 1942, in Kraguevatz; 10 hostages shot on 12 December 1942, in Krusevatz; 30 hostages shot on 15 December 1942, in Brush; 50 hostages shot on 17 December 1942, in Petrovatz; 10 hostages shot on 20 December 1942, in Brush; 50 hostages shot on 25 December 1942, in Petrovatz; 10 hostages shot on 26 December 1942, in Brush; 250 hostages shot on 26 December 1942, in Petrovatz; 25 hostages shot on 27 December 1942, in Krusevatz."

One really could, I think, agree with the statement of the Yugoslav Government that such figures could be cited *ad infinitum*. I continue my quotation:

> "The shooting of hostages was, as a rule, conducted in a most barbaric fashion. The victims were mostly forced to stand one behind the other in batches, waiting their turn and witnessing the execution of the preceding batch. In this manner the batches were one after another exterminated."

I shall submit further to the Tribunal, as Exhibit Number USSR-205 (Document Number USSR-205), the report of the police administration of the quisling administration of Milan Nedich. It mentions the shooting, on 11 December 1941 in Leskovatz, of 310 hostages, of whom 293 were Gypsies. I continue to quote the report of the Yugoslav Government:

> "By an examination of the site and an interrogation of the Gypsies by the regional administration investigating war crimes in Leskovatz, the methods were established by which this shooting was carried out."

Before reading the excerpt, I submit to the Tribunal the document which was referred to by the Government of the Yugoslav Republic, as Exhibit Number USSR-226 (Document Number USSR-226), and request it be incorporated as evidence. In the report of the Yugoslav Government, the following lines of this document are quoted:

> "On 11 December 1941, from 0600 hours to 1600 hours, the Germans transported the arrested hostages in their trucks in batches of about 20 persons each. All of them had their hands bound. They were taken to the foot of the Mountain of Hisar. From there they were driven on foot across the mountain... and then made to stand in ranks near recently dug graves, were shot, and then thrown into the graves."

THE PRESIDENT: I think this will be a good time to break off.

Colonel Smirnov, the Tribunal appreciates the efforts that you have made to leave out unnecessary detail and to cut down the length of your address, and it hopes that during the adjournment you will continue your efforts in that direction.

MR. COUNSELLOR SMIRNOV: Certainly, Mr. President.

[The Tribunal adjourned until 18 February 1946 at 1000 hours.]

SIXTY-FIRST DAY

Monday, 18 February 1946

Morning Session

THE PRESIDENT: I have an announcement to make, and I make it in this order, in the form of paragraphs.

Paragraph 1: The Tribunal cannot accept Paragraph 1 of the Prosecution's motion, as to the evidence of the defendants, dated 11 February 1946, but directs that, in complying with Article 24(d) of the Charter, counsel for the defendants shall confine their evidence to what is required for meeting the charges in the Indictment.

The Tribunal will announce later their decision with regard to Paragraphs 2 to 5 of the Prosecution's motion.

Paragraph 2: With regard to the naming of witnesses, *et cetera,* by the Defense under Article 24(d) of the Charter, which is referred to in Paragraph 1 of Dr. Stahmer's memorandum to the Tribunal, dated 4 February 1946, the Tribunal makes the following order:

In order to avoid delay in securing the attendance of witnesses and procuring of documents, without prejudice to the defendant's right to make further application at the conclusion of the case for the Prosecution, counsel for the Defendants Göring, Hess, Ribbentrop, and Keitel shall, before 5 p.m. on Thursday, the 21st of February, file with the General Secretary written statements giving the names of the witnesses and particulars of the documents they respectively desire to call or put in evidence, with a summary of the facts to be proved thereby and an exposition of the relevance thereof.

The Tribunal hereby appoints Saturday, the 23rd of February, at 1000 hours—that is to say, 10 o'clock—for the hearing of argument upon such statements in open session.

Paragraph 3: The Tribunal will, in due course, issue directions as to the filing of similar statements on behalf of the other defendants.

Paragraph 4: The Tribunal will announce later their decision on the other matters raised in Dr. Stahmer's memorandum.

The Tribunal will now hear the defendants' counsel's application for a recess.

PROFESSOR DR. HERBERT KRAUS (Counsel for Defendant Schacht): Professor Kraus, representing defendants' counsel.

The defendants' counsel are grateful for the opportunity granted by the Tribunal to state in detail the reason for their application of 4 February for an adjournment of the Trial after the conclusion of the Prosecution. This application is the result of a series of proposals with which the Defense have striven to achieve a simple, clear, and as rapid a presentation as possible of its case.

Only a few points of this application call for further amplification.

All the defendants are accused of participation in a conspiracy. That is apparently intended to mean that every act brought up in the course of this Trial, no matter by whom it was committed and to whom it was done, is charged against every one of these defendants, and that he can be convicted on every one of these acts. Even though the individual Defense Counsel finds certain fields with which he must concern himself particularly, there are, nevertheless, no fields at all which he can entirely ignore.

Since most of the Defense Counsel are working with only one assistant and sometimes alone, it can be seen how enormous is the extent of the labor involved in the examination and discussion of the material that is daily presented by the Prosecution. The necessary discussions with the defendants use up the evening hours and the days on which there are no sessions. These discussions are, moreover, because of the security measures that have been taken, very exhausting.

It is, therefore, simply beyond the strength of the individual defense lawyer, along with his attendance at the Trial and his continuous working over of the material presented at the Trial, to make those intellectual and technical preparations that can justifiably be expected in a trial of such significance as this.

The material presented is not yet conclusive. The Russian Prosecution is presenting new evidence daily. In the opinion of the Defense Counsel, it would lead to an incorrect evaluation of the extent and importance of accusations which the Russian Delegation is presenting if the Defense Counsel were expected to conclude their preparations for their defense before they had even heard the conclusions of the case for the Prosecution.

The Tribunal has already been informed in written application of the difficulties involved in obtaining evidence. A few examples might be cited in this respect, examples to which every member of the Defense Counsel could contribute.

One member of the Defense Counsel, in November of last year, applied for a certain witness to be called who was of decisive importance in the presentation of his case. The application was approved by the Tribunal. Although this witness was a very highly placed German official, it was only in January of this year that the camp in which he was interned could be located. The witness has not, as yet, appeared in Nuremberg. Therefore, the Counsel for the Defense has, so far, no idea as to which questions this witness can testify on and what he would testify.

In numerous cases the place of residence of witnesses, whose appearance at the Trial had been requested by the Tribunal in November or December of last year, could not be established. Consequently the Defense Counsel are quite unable to help in locating them in such cases where witnesses, interned in Allied prisoner-of-war camps, have had no opportunity of providing information as to their whereabouts. It has been suggested to some of the Defense Counsel to interrogate witnesses outside Germany by presenting them with questionnaires which would enable them to be interrogated at their place of residence. In no single case have answers to these questionnaires reached the respective counsel for the Defense.

In the case of witnesses living inside Germany, the Defense Counsel have repeatedly been asked either to conduct the interrogation themselves or to present a written affidavit. Since the Defense Counsel are confined to Nuremberg during the sessions, they could only carry out this task during a prolonged recess.

Finally, one member of the Defense had, at the beginning of November, applied for permission to submit a series of documents indispensable to his case. These documents are in the possession of one of the signatories of the Charter. They have been examined by the Prosecution and have been submitted in evidence by the Prosecution insofar as they serve to implicate the defendant in question. The Defense Counsel is still not in possession of these exonerating documents.

We should like to emphasize again the purely technical difficulties that arise from the mimeographing and multiple translations...

THE PRESIDENT: Just one moment, Professor Kraus. You referred to a document which you said was indispensable, which was in the possession of a signatory power, examined by the Prosecution, and put in evidence in this case, and the defendants are still not in possession of it.

What is the reference to that document?

DR. KRAUS: No, Mr. President; it is a collection of documents in which the incriminating parts were presented by the Prosecution; but we, the Defense Counsel, are not yet in possession of the exonerating parts of that documentation. Dr. Kranzbühler, who, too, is affected by this case can give you more detailed information.

THE PRESIDENT: Well, there is an application, I know, by Dr. Kranzbühler; but if it is really a part of a document, the Tribunal has ruled on several occasions that if the Prosecution puts in a certain part of a document, the whole of that document must be available to the defendant's counsel so that they can criticize and comment upon any other part of it which may throw light upon the part of the document which is put in evidence.

DR. KRAUS: Yes, Mr. President; we are dealing here not with one single document, but with a whole collection of documents and Dr. Kranzbühler only wishes to extract from this collection the documents which would assist him in exonerating his client, after the incriminating documents have been presented by the Prosecution.

THE PRESIDENT: You may continue.

DR. KRAUS: The Defense is grateful to the Prosecution for the readiness they have expressed in assisting the Defense in technical questions. The great difficulties which the Prosecution themselves have experienced in this connection, and which have repeatedly led to discussions by the Tribunal, show, nevertheless, that an efficient solution of this problem calls for a suitable length of time. The Defense consider it important to assure the Tribunal of their readiness and their determination not to prolong the Trial unnecessarily. They are, however, of opinion that an inadequate *a priori* preparation will lead to a corresponding increase in the duration of the Defense, and that the subsequent results might not at all suffice to allow the Tribunal to give a fair verdict.

The Defense Counsel think they are in agreement with the Tribunal in saying that this Trial, so important in the history of humanity, should be conducted throughout with the peace and reflection which have hitherto characterized its course. *Per contra,* undue importance should not be attached to the understandable impatience of those who insist on a rapid termination of the Trial. In this sense the Defense requests the Prosecution to support their application. The length of time applied for, that is, 3 weeks, cannot be considered unreasonable in view of the total length of time which the Prosecution have envisaged for the completion of their case. The granting of this length of time would, on the other hand, allow for the fact that the Defense, in the conduct of their case, find themselves both spiritually and materially in a very difficult position. Mention should be made that a number of us have subscribed to today's application, contrary to the opinion of the defendants we represent, who desire a rapid termination of these proceedings. We feel that we are accountable to none but our own consciences and our professional duties as Counsel for the Defense.

I therefore request the Tribunal to take note that, after serious and thorough consideration, my colleagues and I, without exception, are convinced that the length of time applied for, that is, 3 weeks, is the minimum time which they consider essential for an orderly preparation of the defense.

THE PRESIDENT: Dr. Kraus, the Tribunal would like to know, if you can answer the question, whether defendants' counsel have by this time ascertained all, or nearly all, the witnesses whom they desire to call in evidence; whether they have made up their minds, up to this stage, as to what witnesses they desire to call.

DR. KRAUS: I cannot answer this question, since that would call for a general inquiry. I should have to ask my colleagues. The cases to my knowledge vary from one lawyer to another. Some of the lawyers of the Defense are more or less ready in this respect; others are not.

SIR DAVID MAXWELL-FYFE: May it please the Tribunal, I think it would be convenient if I followed the admirably lucid exposition of Professor Kraus by asking the Tribunal to direct its attention to two aspects of the matter: First, what Professor Kraus called the intellectual preparation, and secondly, the mechanical necessities of presentation of the Defense.

On the first point I draw the attention of the Tribunal to the way that it is put in the written application signed by Dr. Stahmer, which was followed in the main by Professor Kraus today. It is stated that a respite is required for the construction of the Defense after conclusion of the Indictment, that is, of the Prosecution; secondly, that the Defense Counsel have, until now, not had the time to prepare their defense in such a manner that smooth functioning is guaranteed; and thirdly, a line or two lower down, in justice it cannot be expected of the Defense Counsel that they will be able to answer on the spot.

I respectfully request the Tribunal's attention to some matters of dates.

The Indictment in this case was filed on the 18th of October, which is exactly 4 months ago today. The defendants were immediately acquainted with the contents of the Indictment, and it is a document of sufficient public importance to give ground for the belief that Defense Counsel must have, at any rate, had its general contents very quickly in mind.

On that day General Nikitchenko, presiding over this Tribunal, stated at Berlin, "It must be understood that the Tribunal, which is directed by the Charter to secure an expeditious hearing of the issues raised by the charges, will not permit any delay either in the preparation of the defense or of the Trial."

I remind the Tribunal, that the Indictment contains more full particulars than probably any indictment in the history of jurisprudence.

The third point is that preliminary lists of documents were placed in the defendants' Information Center on the 1st of November. The lodgment of preliminary documents, not complete but amounting to many hundreds, was made on the 15th of November. Except for one, Dr. Bergold, on behalf of the Defendant Bormann, all the counsel representing individual defendants were appointed by the 10th of November.

Next, there have been four detailed speeches by the Prosecution explaining the scope and emphasis of the Prosecution's case. Every experienced advocate knows that the opening speech giving the emphasis is one of the most important matters for the Defense.

As Professor Kraus said, from the beginning of November there have been applications for witnesses. I shall deal later with certain of the individual points, but I want to say this generally, that any one who has read these applications must be aware that the Defense, from an early date, have appreciated not only the case they have to meet, but the line which they wish to pursue.

My eighth point is that, having heard practically the whole case on Counts One and Two, the common plan and aggressive war, the defendants received a 12-day recess at Christmas, and it was indicated by the President that this was, in part at any rate, for their assistance.

It is a point of fair comment that most of us have been engaged in quite considerable trials where men's lives have been at stake, when any question of any adjournment at all would not come into the picture. But this case does not stop there.

My next point is that on Counts One and Two, the common plan and aggressive war, the cases against the individual defendants were co-ordinated and the relevant documents collected in the individual presentations. In every case defendants' counsel had these documents and trial briefs by the latest at the middle of January. All the presentations were concluded by the 17th of January except for four. The matter has been brought up to date by the expositions of M. Dubost, M. Quatre, and by my Soviet colleagues as they went along. In addition, the transcripts, of which each defendant receives a copy in German, show the weight and emphasis which the Prosecution attach to the different individual cases.

We all know, from our own experience, that you cannot prepare any defense in any trial without the burning of midnight oil; but I do impress upon the Tribunal that the assistance which has been given and the time which has been allowed is remarkable in this case.

I want to deal much more shortly with the mechanical side of it, because Professor Kraus has been fair enough and good enough to say that the Prosecution have given assistance. And I want to say this, that we are quite prepared, when there is any question of photostating a German document, or of mimeographing or reproducing a document in any other way, or providing additional clerical assistance, to go beyond what we have done and to meet any request made to us to the utmost of our ability.

Now I want to deal with the essential point which Professor Kraus has made, that the Prosecution have had a long time to prepare and develop their case, and Defense have corresponding rights.

In my respectful submission, there is this essential difference between the case for the Prosecution and the case for the Defense. The Prosecution must cover the whole field; the Defense selects the issues on which it will make its fight.

I respectfully disagree with the contention of Professor Kraus that that is altered by the fact that we are here dealing with a conspiracy charge. Whether the charge is conspiracy or not, there are certain facts which are not in dispute. There are certain facts which will be, as is indicated by Dr. Stahmer's memorandum, the subject of legal argument or discussion as to the true inference to be drawn from them; and the fact that a case is based on conspiracy does not alter the fact that certain matters are either going to be contradicted by evidence or left uncontradicted.

I, myself, have seen nothing to suggest that, for example, the re-establishment of military forces in Germany, the occupation of the Rhineland, the Anschluss in Austria, the existence and circumstances of concentration camps, many of the actions of certain SS-divisions and bodies under Himmler, are going to be disputed at all, because the defendants' counsel have had the opportunity of cross-examining witnesses on many of these matters, and there has been no challenge by cross-examination.

I do not question for the moment nor seek to deal with the decision of the Tribunal this morning, which, of course, I accept with the utmost loyalty, but I hope the Tribunal will not think it wrong for me to mention in explanation that the Prosecution were anxious for the Defense to eliminate the matters in issue and would have been prepared, so far as it lies with them, to agree to a certain time being given for that purpose. But yet, the defendants have said—and again I make no complaint—that they are not prepared to do it. Therefore, that reason for adjournment disappears.

I do not want the Tribunal to think that we are either unimaginative or unreasonable. We know, because we have seen the other side of the shield, that there are certain mechanical matters and matters of conclusion of preparation which have to be done before a case is put forward. We quite appreciate that the defenders of Göring, of Hess, and of Ribbentrop may require a day or two to put their tackle in order, but I want to make clear that that, in our view, is quite different from a 3 weeks' adjournment.

I respectfully agree with every word that Professor Kraus has said about the maintenance of the dignity of the Trial, but it is not essential, in my respectful submission, for the maintenance of the dignity of the Trial that the Trial should take place in slow time. That would not only be wrong, but it would be directly contrary to the portion of the Charter to which General Nikitchenko referred at Berlin.

With regard to the witnesses, there are, as the Tribunal knows, certain difficult matters, in that, to begin with, the defendants asked for many witnesses who were very largely repetitive; and they have, as I judge the application, begun recently to get clear who are the essential witnesses, and the Tribunal will rule on that finally as it has indicated.

I only take one other example. Professor Kraus mentioned the question of certain documents for which Dr. Kranzbühler was asking, which were, as I understand it, U-boat diaries. I have arranged that Dr. Kranzbühler's assistant will be enabled to go to London and examine these documents at his leisure in the Admiralty. That is on paper in our reply. I respectfully submit that that sort of attitude is the best and most helpful attitude for letting the Defense get what they wish.

Mr. President, I have nearly exhausted my time, and I only say this in conclusion: The Prosecution has had to collate and co-ordinate actions taking place over a long period, certainly 12 years, in some cases 20 years. We have collated and co-ordinated the evidence of these actions. We have presented a case which is grounded mainly on the written statements or written records of statements made by the defendants themselves. The task before the Defense is to give the explanation that what they say is the true color of words that have been proved—and not disputed—to have come out of their own mouths.

They have had the time which I have stated and which I shall not repeat, but that being the state of this case, it is the attitude of the Prosecution, with, as I say, every desire to help in any way that is possible in the actual work, whether it be mechanical or preparing documents or otherwise, that the defense cannot rightfully ask for further time for general reflection and consideration on a case which has that basis. We therefore respectfully but firmly object to any adjournment other than a matter of individual days, not more than a week, certainly—we should say less than that—for the purpose of completing preparations and putting mechanical tackle in order.

That, Mr. President, is the attitude of all my colleagues.

THE PRESIDENT: The Tribunal will consider its decision on this matter and it will adjourn this afternoon at 4 o'clock in order to consider the other matters which are raised in Dr. Stahmer's memorandum.

SIR DAVID MAXWELL-FYFE: Very good.

Before I sit down, I am asked by my colleagues to make this clear. I, myself, did not tie myself in my argument to any number of days because a weekend may intervene and different considerations may arise, but my colleagues wish it to be before the Tribunal that their view is that, taking into account the time which will elapse before the Soviet case is concluded, and the argument on the organization for which time has to be allowed, that 2 days is the figure they have in mind, although, as I say, a weekend may intervene which may add to that. I want to make it quite clear that we are quite definite.

I am very grateful.

THE PRESIDENT: Colonel Smirnov, will you continue your address.

MR. COUNSELLOR SMIRNOV: I continue with the presentation of evidence in regard to Yugoslavia.

In corroboration of the criminal system of hostages which was fully developed in Yugoslavia, the Government of Yugoslavia has submitted a series of originals and certified photostatic copies of different documents. I shall not submit my own comments on these documents which were incorporated into the report of the Yugoslav Government. I shall merely restrict myself to the presentation of the documents themselves, since they are definite and do not call for further comment.

I present as Document Number USSR-256(a) the original of an announcement, dated 12 August 1941, which mentioned the shooting of 10 hostages. The printed poster was signed by the German Police Commissioner in Lasko, Hradetzky.

Further, as Document Number USSR-148, I present a certified photographic copy of announcement of the shooting of 57 persons. This poster, from 13 November 1941, was signed by Kutschera.

Further, as Document Number USSR-144, I present a certified copy of an announcement of 21 January 1942, relating to the shooting of 15 hostages. The poster was signed by Roesener.

Further, as Document Number USSR-145, I present a certified photographic copy of a poster announcing the shooting of 51 hostages, and the date is 1942, month unknown. The poster is signed by Roesener.

Further, I present as Document Number USSR-146, an original announcement printed as a poster, signed by Roesener, which announced that on 31 March 1942, 29 hostages were shot.

Further, I present as Document Number USSR-147 a certified photographic copy of the announcement, printed as a poster, which stated that on 1 July 1942, 29 hostages had been shot.

I consider that the sum total of these documents is sufficient to prove that the system of hostages was widely used in Yugoslavia.

To conclude my presentation of evidence in this particular field, I refer to Exhibit Number USSR-304 (Document Number USSR-304), Report Number 6 of the Yugoslav Extraordinary State Commission for the investigation of war crimes. I read one paragraph of this document into the record:

> "A group of hostages at Celje were strangled on hooks used by the butchers for hanging meat. In Maribor, the doomed, in groups of five, had to place the bodies of the hostages already executed in boxes and then load them into trucks. After that they themselves were shot, while the next group of five, in their turn, continued with the loading. This went on continuously. Sodna Street in Maribor was all soaked in blood pouring from the trucks."

I end my quotation here.

It seems to me that in submitting to the Tribunal a summary of the terroristic regime established in the countries of Western Europe, this summary would be incomplete without some mention of a country like Greece, a country which also was a victim of the terroristic regime which the German fascists had established. Therefore I present to the International Military Tribunal a report of the Government of the Greek Republic. This report is duly certified with the signature and seal of the Greek Ambassador in Great Britain, as well as of a member of the British Foreign Office. This document is submitted to the Tribunal as Exhibit Number USSR-79 (Document Number UK-82), and I shall read into the record a few excerpts from this report which concerns the setting up of the fascist terror regime in Greece and which also deals with the same criminal system of hostages.

The war against Greece was declared by Germany on 6 April 1941, and already on 31 May the German commanding general in Athens had published a frankly terroristic order directed against the peaceful population of Greece. The direct pretext for publishing this was the fact that on 30 May 1941 the Greek patriots had torn down the swastika from the Acropolis.

I here quote this order of the commanding general of the German Armed Forces in Greece, from the report of the Greek Government, on Page 33 of the Russian translation. This order threatens severe punishment for the following reasons:

> "a. Because in the night of 30-31 May, the German banner flying over the Acropolis was torn down by persons unknown. Those guilty of this act, as well as their accomplices, will be punished by death.
>
> "b. Because the press and the public opinion of all classes still express evident sympathy in favor of the English, now expelled from the continent of Europe."

Therefore, even sympathy for the English brought the same terrible punishment.

> "c. Because events in Crete were not only not condemned, but were even favorably commented on in many circles."

Here the commander of the German Armed Forces was evidently referring to the patriotic resistance of the inhabitants of the Island of Crete.

> "d. Because, although absolutely forbidden, repeated gestures of sympathy, such as gifts, flowers, fruit, cigarettes, *et cetera,* were made to British prisoners; and these demonstrations were tolerated by the Greek police who did not intervene to stop them with the means at their disposal.
>
> "e. Because the behavior of large number of Athenians towards the German Armed Forces has again become less friendly."

From that time onwards the same regime of the German fascist terror was established in Greece that characterized the actions of the Hitlerite criminals in all the territories they occupied. In confirmation of that fact I cite the report of the Greek Government on Page 34 of the Russian translation. I quote, beginning with Line 4 from the top of the page:

> "In violation of Article 50 of the Hague Convention they systematically punished the innocent, adhering to the principle that the community as a whole must bear the responsibility in full for acts committed by individual persons.
>
> "They used starvation as an instrument of pressure and for weakening the spirit of resistance in the Greek population. Very few people were tried by courts-martial; and these, when held, were a mere parody of justice. They instituted a policy of reprisals, including the seizure and killing of hostages, mass murders, and the destruction and devastation of villages, for acts committed in their vicinity by individuals unknown.

> "The great majority of those executed were taken at random from the prisons and camps, without any possible relation to the act, in reprisal for which they were executed. The life of every citizen depended on the arbitrary decision of the local commander."

It seems to me quite correct to consider the murder, in Greece, of thousands of people by starvation, as one of the most powerful factors of the terrorist regime established by the German fascists in Greece. In connection with this subject, the following statement is made on Page 36 of the Russian text:

> "It is an incontestable fact that a great majority of the Greek population lived on the verge of starvation for nearly 3 years. Many thousands suffered from real starvation for several months before relief shipments could reach them. As a result, the death rate increased by 500 or 600 percent in the capital and 800 to 1,000 percent in the Greek islands, as from September 1941 to April 1942. The infant mortality was 25 percent, and the health of the survivors was greatly undermined."

The report of the Greek Government cites excerpts from reports of neutral missions. I quote one of these excerpts, which is on Page 38 of the Russian text of the Greek Government report. I begin the quotation:

> "During the winter of 1941-42 when famine reigned in the capital, conditions in the provinces were still tolerable. During the following winter, however, when Canadian relief for the larger towns had been swallowed up by the unrestricted market, the situation was very different. During our first tours of inspection, when investigating the situation in general, we met in March 1943 populations literally weeping for bread. Many villages lived only on a substitute bread baked with Ersatz flour, wild pears, and acorns—food ordinarily suitable for pigs. In many districts the population had seen no other bread since December. We were taken inside the houses and shown empty shelves and larders; we saw people cooking grass without oil, only to fill their stomachs somehow or other. The inhabitants of the poorer villages were all emaciated. The children, in particular, were often in a pitiful condition with skinny limbs and swollen stomachs. They had none of the vitality and happiness natural to children. It was quite usual for half the children to be unable to attend school." (Report of the Swedish delegates to the Peloponnesian Islands, January 1944.)

In order to describe the hostage-holding regime established by the Hitler criminals in Greece, I shall also quote excerpts from the

Greek Government report. From the text of this report it is quite evident that shootings of hostages during the first weeks of the German occupation of Greece were carried out on a wide scale. I quote, for this reason, an excerpt from the Greek report on Page 41. I begin at the third line from the top of the Russian text:

> "Hostages were taken indiscriminately and from every class of the population. Politicians, professors, scientists, lawyers, doctors, officers, civil servants, clergymen, manual workers, women, all those labeled as 'suspect' or 'Communist' were thrown into local prisons or concentration camps. Prisoners under interrogation were subjected to various ingenious forms of torture. Hostages were concentrated in places of confinement where the arrested persons were subjected to the most unbearable regime."

The report of the Greek Government—also on Page 41 of the Russian text—states with regard to this matter:

> "The inmates were starved, beaten, and tortured. They were made to live under perfectly inhuman conditions without medical help or sanitation. There they were subjected to the refined sadism of the SS guards. Many were shot or hanged. Others died from cruel treatment or starvation, and only a few were released and survived until the date of the liberation of the country. Hostages were also deported to concentration camps in Germany: Buchenwald, Dachau, *et cetera.*"

The report gives the total number of hostages murdered. The same page contains the following statement, "The number of hostages shot amounts to some 91,000."

In order fully to understand on what a tremendous scale the Hitlerites committed their crimes in connection with the physical extermination of the Soviet people in the territory of the U.S.S.R., I ask the Tribunal to refer to Page 299 in their document book.

THE PRESIDENT: You are now passing away from Greece, are you, Colonel Smirnov?

MR. COUNSELLOR SMIRNOV: Yes, Sir.

THE PRESIDENT: We will take a recess then.

[A recess was taken.]

MR. COUNSELLOR SMIRNOV: With your permission, Mr. President, and in accordance with the instruction of the Tribunal, I shall omit a number of items in my statement. These items, which I shall exclude from the text, amount to a number of pages; and I request your permission to tell the interpreters how many pages

I skip. I draw the attention of the Tribunal to a document dealing with the large-scale extermination of Soviet nationals in the temporarily occupied districts of the U.S.S.R. In confirmation of this fact I refer to a document which you, Your Honors, will find on Page 291 of the document book, at the end of the last paragraph of the first column and on the second column of the text. This deals with the report of the Extraordinary State Commission of the Soviet Union concerning the destruction, plundering, and atrocities of the German fascist invaders in the town of Rovno and the Rovno region. I submit this document as Exhibit Number USSR-45 (Document Number USSR-45).

I quote the results of the examination by legal-medical experts concerning the bodies of peaceful Soviet citizens murdered by the Germans and subsequently exhumed:

> "1. In all investigated burial places in the city of Rovno and its surroundings, over 102,000 corpses of peaceful citizens and prisoners of war, shot or murdered by other methods, were discovered. Out of this figure:
>
> "a) In the city of Rovno, near the lumber yard on Belaya Street, 49,000 corpses were discovered.
>
> "b) In the city of Rovno, on Belaya Street, in the vegetable gardens, 32,500.
>
> "c) In the village of Sossenki, 17,500.
>
> "d) In the stone quarries near the village of Vydumka, 3,000.
>
> "e) In the area surrounding Rovno prison, 500."

I draw the attention of the Tribunal to the following text, where we read indications as to the distribution of certain methods of murder adopted by the criminals in the various periods. Mass shootings, as shown in the following Subparagraphs a, b, and c, took place in 1941. The extermination of peaceful citizens in the gas wagons occurred in 1943, as shown in Subparagraph d. Shootings followed by burnings of the corpses in 1943, and shootings in the jail occurred in 1944.

I skip the next page, and draw the attention of the Tribunal to that part of the document which is on Page 240, second column of the text; a description of the methodical destruction of the inmates in Rovno prison. I dwell on this point because similar methods of extermination of Soviet people are typical of the terrorist regime established by the Hitlerite invaders in the temporarily occupied territories of the U.S.S.R. I begin my quotation on Page 240 of the document book:

> "On 18 March 1943 the Rovno paper *Volyn* of the German occupational troops published the following announcement:

> " 'On 8 March 1943 inmates of Rovno prison attempted to escape, whereby they killed one German prison official and one guard. The escape was thwarted by the energetic action of the prison guard. By order of the commandant of the German Security Police and the SD, all the prison inmates were shot on that same day.'
>
> "In November 1943 the German district judge was murdered by a person unknown. As a measure of retaliation, the Hitlerites again shot over 350 inmates of Rovno prison."

I will not quote any further examples of the executions in the prisons, since in those documentary films which will be submitted to the Tribunal, Your Honors will find a series of similar crimes committed by the Hitlerite invaders on the territories of the U.S.S.R. I pass on to the following part of my statement: "The retaliatory destruction of village populations."

In the infinite chain of German fascist crime, there are some which will remain for a long time, perhaps forever, in the memory of indignant mankind, even though mankind will have learned about still graver crimes perpetrated by the Nazis. One of the crimes that will thus be remembered is the destruction of a small Czechoslovak village called "Lidice" and the bestial reprisal against the population of that village.

Many times and in even more cruel forms, the fate of Lidice was suffered on the territory of the Soviet Union, of Yugoslavia, and of Poland; but mankind will remember Lidice and will never forget it, for this little village became a symbol of Nazi criminality. The destruction of Lidice was a retaliation by the Nazis for the just execution of the Protector of Bohemia and Moravia, Heydrich, by Czechoslovak patriots.

The Chief Prosecutor of the U.S.S.R., when speaking of Lidice, quoted an official German report concerning this act of terror, which was published in the paper *Der Neue Tag* on 11 June 1942.

I will quote a very short extract from the report of the Czechoslovak Government, which the Tribunal will find on Page 172 of the document book:

> "On 9 June 1942 the village of Lidice was surrounded, on the order of the Gestapo, by soldiers who arrived from the hamlet of Slany in 10 large trucks. They allowed anyone to enter the village, but no one was permitted to leave. A 12-year-old boy tried to escape; a soldier shot him on the spot. A woman tried to escape; a bullet in the back mowed her down, and her corpse was found in the fields after the harvest.

> "The Gestapo dragged the women and children to the school.
>
> "The 10th of June was the last day of Lidice and of its inhabitants. The men were locked up in the cellar, the barn, and the stable of the Horak family farm. They foresaw their fate and awaited it calmly. The 73-year old priest, Sternbeck, strengthened their spirit by his prayers."

I omit the following two paragraphs and pursue my quotation:

> "The men were led out of the Horak farm into the garden behind the barn, in batches of 10, and shot. The murders lasted from early morning until 4 o'clock in the afternoon. Afterwards the executioners were photographed with the corpses at their feet."

I skip the following four paragraphs and pass on to the fate of the population of Lidice:

> "The fate of the men of Lidice has been described. One hundred seventy-two adult men and youths from 16 years upwards were shot on 10 June 1942. Nineteen men who worked on 9 and 10 June in the Kladno mines were arrested later on in the collieries or nearby woods, taken to Prague and shot.
>
> "Seven women from Lidice were shot in Prague as well. The remaining 195 women were deported to the Ravensbrück concentration camp. Forty-two died of ill treatment; seven were gassed; three disappeared. Four of these women were taken from Lidice to a maternity hospital in Prague where their newly born infants were murdered; then the mothers were sent to Ravensbrück.
>
> "The children of Lidice were taken from their mothers a few days after the destruction of the village. Ninety children were sent to Lodz, in Poland, and thence to Gneisenau concentration camp, in the so-called Wartheland. So far no trace of these children has been found. Seven of the youngest, less than a year old, were taken to a German hospital in Prague. After examination by 'racial experts' they were sent to Germany, there to be brought up as Germans and under German names. Every trace of them has been lost.
>
> "Two or three infants were born in Ravensbrück concentration camp. They were killed at birth."

The fate of Lidice was repeated in many Soviet villages. Many peaceful citizens of these villages perished in even greater torment: They were burned alive or died, victims of still more brutal forms of execution.

I have considerably reduced the volume of the examples which I wished to quote, and I omit the next page of the text, drawing the attention of the Tribunal to the text on Page 295, second column, of the text. This document, already submitted to the Tribunal by my colleague, Colonel Pokrovsky, is a report of the Extraordinary State Commission of the Soviet Union on the crimes of the Hitlerite invaders in the Lithuanian Soviet Socialist Republic. I quote one paragraph only:

> "On 3 June 1944 in the village of Perchyoupa of the Trakai district, the Hitlerites broke into the village, surrounded and plundered it completely, after which, having driven all the men into one house and the women and children into three others, they set fire to the buildings. Those who attempted to flee were caught by the fascist monsters and thrown back into the burning houses. In this manner the entire population of the village, 119 souls in all, 21 men, 29 women"—and I stress—"69 children, were burned to death."

I close the quotation and beg the Tribunal to turn to another document, which I submit as Exhibit Number USSR-279 (Document Number USSR-279). It is a communique of the Extraordinary State Commission on the crimes of the German fascist invaders in the cities of Viazma, Gjatsk, and Sychev, of the Smolensk region, and also in the city of Rjev in the Kalinin region.

I would have liked to dwell more fully on this report but I will now summarize it in order to shorten my statement. I skip two pages of the text and pass on to Page 145 of my text. I quote the sixth paragraph:

> "In the village of Zajtschiki, members of the Gestapo drove into one house the following persons: Michael Zaikov, age 61; Nikifor Belyakov, age 69; Catherine Begorova, age 70; Catherine Golubeva, age 70; Jegor Dadonov, age 5; Myra Zernova, age 7; and others—23 persons all told. The Gestapo set fire to the house and burned all the victims alive."
>
> I omit two paragraphs and quote one more paragraph:
>
> "In retreating from the village of Gratschevo in the district of Geschatsk, in March 1943, the assistant chief of the German Field Police, Lieutenant Boss, drove 200 inhabitants into the house of the peasant woman Chistyakowa."—The names of still more villages are then given.—"He locked the doors, set fire to the house, and all the 200 were burned alive."

I will not enumerate the names of the people, but I wish to draw the attention of the Tribunal to the fact that some of these people were 63 and 70 years old, some of the children were 3, 4, and 5 years old.

I omit two paragraphs and quote another excerpt:

> "The fascists burned all the inhabitants, both young and old, of the villages of Kulikovo and Kolesniki, of the Geschatsk district, in one farmhouse."

I conclude the reading of this document.

I now ask the Tribunal to accept in evidence a German document, submitted in evidence as Exhibit Number USSR-119 (Document Number USSR-119). This is a certified photostat of an operational report and other documents of the 15th Police Regiment. Among them we find one entitled, "Summary of a Punitive Expedition to the Village of Borysovka, 22 and 26 of September 1942." The Tribunal will find this document on Page 309 of the document book.

I quote in brief from this document, which proves beyond doubt that under the guise of the anti-partisan struggle the Hitlerite criminals mercilessly annihilated the peaceful population of the Soviet villages. I quote the first part under the heading:

> "1. Mission: The 9th Company must destroy the village of Borysovka, which is infested by partisans.
>
> "2. Forces: Two platoons of the 9th Company of the 15th Police Regiment, one platoon of gendarmes of the 16th Motorized Regiment, and one tank platoon from Beresy-Kartuska."

I emphasize, Your Honors, that the expedition included a tank platoon from Beresy-Kartuska. Against whom were these tanks and the two platoons supposed to operate? We find an answer to this question in the following item of this report:

> "3. Execution of mission: The company assembled in the evening on 22 September 1942 in Dyvin. During the night from 22 to 23 September 1942, they marched from Dyvin in the direction of Borysovka. The village was encircled from the north to the south by two platoons at 4 a.m. At daybreak the entire population of the village was collected by the village elder of Borysovka. After an investigation of the population with the assistance of the Security Police and the SD from Dyvin, five families were resettled in Dyvin. The remainder were shot by a specially detailed squad and buried 500 meters to the northeast of Borysovka. Altogether 169 persons were shot consisting of 49 men, 97 women, and 23 children."

I consider that these figures are so eloquent that I can conclude the reading of this document and, omitting two pages, pass on to the next part of my statement.

I beg the Tribunal to look at Page 316 of the document book, which contains the report of the Extraordinary State Commission on the destruction caused by the German fascist invaders in the Stalinsk region.

Hitherto I have submitted proof of the fact that in the villages the German fascist invaders criminally exterminated the Soviet population by burning their victims alive. In this report we find a confirmation of the fact that people were burned alive equally in the cities and towns. This document is submitted to the Tribunal as Exhibit Number USSR-2 (Document Number USSR-2). I quote from Page 316 of the document book:

> "In the city of Stalino, the German invaders drove the residents of a professor's house into a barn, closed the entrance, blocked it, poured oil on the barn, and set it on fire. All those in the barn lost their lives, with the exception of two little girls, who saved themselves by pure chance.
>
> "On 11 November 1943 the members of this commission"—I omit the next part containing the composition of this commission—"made excavations on the site of the barn and while investigating it, they discovered 41 charred human corpses."

From the very first days of the war against the U.S.S.R. the German fascist terror toward the peaceful population assumed monstrous proportions. This was noted in the reports of several German officers, who had participated in the first World War and who stressed the fact that even in the cruelty of the first World War they had never witnessed anything similar.

I again refer to a German document and submit to the Tribunal as Exhibit Number USSR-293 (Document Number USSR-293), an authenticated photostat of a report from the former commander of the 528th Regiment, Major Roesler, and a report by Schirwindt, who was chief of the 9th Military District. Since this document is of sufficient interest I will read it into the record in full. You, Your Honors, will find the extract on Page 319 of the document book. I quote:

> "Kassel, 3 January '42; Major Roesler; Report.
>
> "The matter entrusted to me by the 52d Reserve Regiment, entitled 'Attitude towards the Civilian Population in the East,' prompts me to report the following:
>
> "At the end of July 1941 the 528th Infantry Regiment, then under my command, was on its way from the West to their rest area in Zhitomir. After I had moved with my staff into the staff quarters, on the afternoon of the day of our arrival, we heard rifle volleys, at a short distance from us, at regular intervals, followed a little later by pistol shots. I decided to find out what was happening and started out with my adjutant and the courier (First Lieutenant Von Bassevitz and

Lieutenant Müller-Brodmann) in the direction of the rifle shots. We soon had the impression that something was happening, since after some time we saw numerous soldiers and civilians streaming toward the railway embankment behind which, as we were told, executions were taking place. We could not, at first, reach the other side of the embankment for a long time. After a certain definite interval, however, we heard the sound of a whistle followed by a volley of about 10 rifles, which in turn was followed, some time later, by pistol shots. When we finally scrambled over the embankment a picture of horror was revealed to us. A pit, about seven to eight meters long and perhaps four meters wide, had been dug in the ground. The upturned earth was piled on one side of the pit. This pile of earth and the side of the pit were completely soaked in blood. The pit itself was filled with numerous corpses of all ages and sexes. There were so many corpses that one could not even ascertain the depth of the pit.

"Behind the pile of earth stood a police detachment under the command of a police officer. The uniforms of the police bore traces of blood. Many soldiers from the troops just billeted in the area stood around. Some of them wore shorts and lounged about as spectators. There were also a number of civilians; women and children. I approached the grave as near as possible in order to get a picture, which I was never able to forget.

"In this grave lay, among others, an old man with a white beard, clutching a cane in his left hand. Since this man, judging from his sporadic breathing, still showed signs of life, I ordered one of the policemen to kill him off. He smilingly replied, 'I have already shot him seven times in the stomach. He can die on his own now.'

"The bodies lay in the grave, not in rows, but as they had fallen from the top of the pit. All these people had been killed by rifle shots in the nape of the neck and then in the pit were granted the coup-de-grace of a pistol shot.

"I have never seen anything of the kind, either in the first World War, in the Russian, or in the French campaigns of the present war. I have witnessed many disagreeable things in the volunteer detachments in 1919, but I have never witnessed a similar scene."

I omit one paragraph and continue:

"I wish to add that according to the testimony of soldiers who have often watched these executions, apparently several hundred persons were shot by these methods every day.

"Signed: Roesler."

Characteristic is the comment in the covering note from the deputy commander of the IXth Army Corps and commanding officer of the 9th Military District, who forwarded Roesler's report to the chief of the army armament and equipment department, Berlin. I quote this document which the Tribunal will find on Page 318 of the document book. I quote:

> "Subject: Atrocities perpetrated on the civilian population of the East.
>
> "With regard to the news of mass executions in Russia, which we are receiving, I was at first convinced that they had been unduly exaggerated. I am forwarding herewith a report from Major Roesler which fully confirms these rumors."—The last sentence is also typical:
>
> "If these things are done openly, they will become known in the fatherland and give rise to criticism.
>
> "Signed: Schirwindt."

THE PRESIDENT: Colonel Smirnov, do you know who was the deputy commander of the IXth Army Corps and commander of the 9th Military District and do you know who was the chief of the armament and equipment department in Berlin? Do you know whether any reply was made to this report?

MR. COUNSELLOR SMIRNOV: I can only give an answer on this subject at a later date. These questions are unknown to me and must be elucidated in a supplementary report. I shall shortly clarify them and give the Tribunal the additional information and will submit the documents dealing with this matter.

I beg to be allowed, in presenting this evidence, to submit to the Tribunal a photostatic copy of a document. I present two albums certified by the Extraordinary State Commission; they will be submitted to each member of the Tribunal. (Exhibits Numbers USSR-387 and 391).

I beg the permission of the Tribunal to show certain photographs on the screen. I must admit these documents have not been selected on the basis of the impressiveness of the atrocities shown—the Tribunal will find even more monstrous episodes of mass atrocities in the document book—but rather, all these photographs have been selected because of their typical character.

Before presenting these documentary photographs, I ask the permission of the Tribunal to submit another German document as Exhibit Number USSR-297 (Document Number USSR-297). It is a certified photostatic copy of one of the reports of the chief of the Security Police and SD, prohibiting the photographing of mass executions. It is very typical that in many of these cases the photographs were taken by the Germans themselves. This attracted the attention of the chief of police and therefore photographing was prohibited to the German fascist criminals.

I quote only a short excerpt from this report—Page 321 of the document book:

> "The Reichsführer SS has forbidden the photographing of executions by an order of 12 November 1941, Journal Number 1 1461/41 Ads., and has ordered that insofar as such pictures are needed for official purpose that the entire exposed material be collected in archives."

I omit the following paragraph and quote the third paragraph:

> "The leader of the Einsatzkommando or Sonderkommando or the company commander of the Waffen-SS and the section leader of the war correspondents are charged with the responsibility that plates, films, and prints of these photographs do not remain in the hands of individual members of these task force units."

I skip the following part of the document in its entirety, as I consider that the quotations which have been presented are sufficient proof that the police authorities were uneasy about the fact that frequent photographing of mass executions by the German fascists gave confirmation of these executions. I beg the Tribunal for permission to start the showing of several of these photo-documents. Would you permit me to do so, Mr. President?

THE PRESIDENT: What are you waiting for, Colonel Smirnov?

MR. COUNSELLOR SMIRNOV: The lights should be turned off but apparently there are some technical difficulties which are unfamiliar to me. Therefore I cannot start with the showing of the photo-documents.

THE PRESIDENT: Do you think you can go on with your statement and do the photographs after the adjournment? How long do you think the photographs will take?

MR. COUNSELLOR SMIRNOV: I fully agree with you, Mr. President. I beg your permission to present evidence concerning the second part of the statement, namely, the mass annihilation by the German fascists of the citizens of the U.S.S.R., Poland, Yugoslavia, and Czechoslovakia.

The mass extermination of peaceful populations of the Soviet Union and of the countries of Eastern Europe was carried out by the German fascist criminals everywhere, as can be seen from both the official orders and the reports about the carrying out of these executions. In this regard they had the following objectives in mind:

1. Physical elimination of those sections of the population which were capable of resistance; 2. For racial reasons, that is, for the

materialization of racial theories inculcating hatred of mankind; 3. For purposes of retaliation; 4. Supposedly "for the struggle against the partisans" whom the German fascists could neither catch nor destroy, and for this reason they vented the full force of their retaliatory measures on the peaceful population.

The execution of children was a particularly cruel method of Hitlerite terrorism. The use especially of torture devices for killing children was one of the prime and most despicable characteristics of the Hitlerite terror regime in the temporarily occupied territory of the Soviet Union.

Immediately after the seizure of power by the fascists, Hermann Göring began to issue laws against vivisection. He pitied dogs, guinea pigs, and rabbits subjected to scientific experiment for the benefit of humanity. In confirmation I refer to Göring's book *Speeches and Articles,* published in 1940 by Erich Gritzbach at Munich. (Document Number USSR-377). On Page 80 of this book we find Göring's speech, "The Struggle Against Vivisection." I shall not quote any lengthy extract from this book and shall only mention one sentence which testifies that for motives, so to speak, of love for animals, Hermann Göring widely exercised his right to intern human beings in concentration camps.

At a certain meeting of SS-Gruppenführer at Posen, as the Tribunal knows, Himmler stated, Document Number 1919-PS, "We Germans are the only people who treat animals kindly."

But these criminals—from Himmler to Keitel—who sentimentally discussed the tortures of animals, persistently instructed their subordinates to exterminate children senselessly, inhumanly, and cruelly. At the meeting in question Himmler also stated:

> "If anyone would come to me and say, 'You cannot build antitank trenches with children and women, it is inhuman since they will die,' I should reply, 'You are the murderers of your own blood.' "

Numerous investigations on the German fascist atrocities in the Soviet Union have shown without any doubt that on occasion of mass shootings many children have been thrown into the grave when still alive. In confirmation of these facts I am referring to official documents, "The German criminals threw into the grave children who were still alive."

I invite the attention of the Tribunal to a document which has already been submitted by my colleague, Colonel Pokrovsky, as Exhibit Number USSR-46. It is a report of the Extraordinary State Commission on the crimes of the German fascist invaders in the city and region of Orel. The Tribunal will find it on Page 334 of the document book, the last three lines of the page, and on Page 335. I quote:

> "Those shot in the city were collected and thrown into ditches, preferably in forest areas. In jail the executions took place as follows: The men had to stand facing a wall while the gendarme fired his pistol into the nape of their necks. The shot penetrated the vital centers and death was instantaneous. In most cases women had to lie face downward on the ground and the gendarme shot them through the base of their neck.'
>
> "A second method was to herd people in groups into a ditch, with their faces turned to one side. Then they were killed likewise by shots in the nape of the neck with machine guns. In the trenches corpses of children were discovered who, according to the testimony of witnesses, had been buried alive."

Furthermore, I refer to a document which has already been submitted to the Tribunal as Exhibit Number USSR-1, a report of the Extraordinary State Commission on the crimes of the German fascist occupants in the area of Stavropol. I quote from Page 271 of the document book, Paragraph 3, beginning as follows:

> "During the inspection of a ravine in the vicinity of Koltso Hill and a distance of 250 meters from the high road..."

I omit the next sentence.

> "... a washed-out grave was discovered, 10 meters in depth, from which protruded separate parts of human bodies. As from 26 to 29 July 1943, excavations were carried out at this spot and, as a result, 130 corpses were exhumed. The legal-medical examination proved that the corpse of a 4-months-old girl showed no traces of violence. The child had been thrown alive into the ditch where it perished from suffocation."

I skip the next phrase and quote from the next paragraph:

> "The autopsy performed on bodies of dead infants by the legal-medical investigation proved that they had been thrown into the ditch alive, together with their mothers who had been shot. All the other corpses showed traces of torture."

I will now refer to the verdict of the Military Tribunal of the 4th Ukrainian Front, which I had already submitted to the Tribunal as Exhibit Number USSR-32.

THE PRESIDENT: Perhaps we had better break off.

[The Tribunal recessed until 1400 hours.]

Afternoon Session

MR. COUNSELLOR SMIRNOV: Have I your permission to continue?

THE PRESIDENT: Please do.

MR. COUNSELLOR SMIRNOV: Continuing the presentation of evidence on atrocities of German fascist criminals with regard to children, I refer to the testimony of the witness, Bespalov, included in the document previously presented to the Tribunal as Exhibit Number USSR-32 (Document Number USSR-32). The members of the Tribunal will find the place which I refer to on Page 33, fifth paragraph of the document, Column 1 in the document book. Bespalov testified:

> "At the end of June last year I myself saw up to 300 girls and women brought on 10 to 12 trucks to the forest park. The unfortunate women were throwing themselves from side to side, weeping, tearing their hair, and rending their clothes. Many fainted, but the German fascists paid no attention to this. By kicks and beatings with rifle butts and sticks they forced them to get up; the executioners themselves stripped and threw into the pits, those who did not rise. Several girls—among them children—tried to run away, but were killed.
>
> "I saw how, after a burst of machine gun fire, some of the women, swaying and helplessly flinging up their arms, staggered toward the standing Germans with heart-rending cries. At this time the Germans were shooting them with pistols. Maddened with terror and grief, mothers clutched their children to their breasts, running with terrible wails into the forest clearing, seeking help.
>
> "The Gestapo members snatched the children from them, seized them by the arms or legs, and threw them alive into the pit; when the mothers ran after them to the pit, they were shot."

I quote one paragraph out of Exhibit Number USSR-9 (Document USSR-9), already presented to the Tribunal. This is a report of the Extraordinary State Commission of the Soviet Union of the crimes of the German fascist invaders in the city of Kiev. The members of the Tribunal will find this document on Page 238, second column of the text, sixth paragraph:

> "On 29 September 1941 Hitler's bandits drove thousands of the peaceful Soviet citizens to the corner of Melnik and Doktorovskaya Streets and from there to Baybe-yar, where they shot them, after taking all their valuables from them.

> "Citizens N. F. Petrenko and N. T. Gorbacheva, who lived near Baybe-yar, stated that they had seen how the Germans threw babies at the breast into graves and buried them alive with their dead or wounded parents. One could see the surface of the ground moving over the buried people who were still alive."

These were not individual occurrences, but a systematic plan. This inhuman terror was practiced on children, since the chiefs of German fascism understood that this form of terrorism would be particularly frightful for the survivors. Compassion for the weak and the defenseless is an inalienable human trait. By applying their particularly barbarous methods to children, the German fascist criminals showed the rest of the population that there was no crime, no cruelty at which they would stop for the purpose of pacifying the occupied territories. Children did not simply share the fate of their parents. The so-called "actions" were frequently directed against the children themselves. They were taken forcibly from their parents, concentrated in one place, then murdered.

I refer to a very brief report of the Extraordinary State Commission, already submitted to the Tribunal, entitled, "Concerning the Crimes of the German Conspirators in Latvia." The members of the Tribunal will find the place I refer to on Page 286, on the reverse side, in the second column of the document book, Paragraph 5. Here it states, and I quote:

> "In the main jail in Riga they murdered over 2,000 children who had been torn from their parents, and in the Salaspil Camp, more than 3,000."

From the report of the Extraordinary State Commission on the crimes of the Hitlerites in Lithuania, the Tribunal will learn of the brutal methods employed by the Germans to separate children from their parents incarcerated in prisons, concentration camps, or ghettos —these methods usually preceded the murder of the children. This document has already been submitted as Exhibit Number USSR-7 (Document USSR-7) to the Tribunal. The members of the Tribunal will find the place referred to on Page 295, first column, sixth paragraph of the document book. I omit the first paragraph, which mentions the organization of the camp. This has no direct relation to children, and I begin with the second paragraph, which shows what was done with them:

> "In the beginning of 1944 the Germans in this camp forcibly took children from 6 to 12 years old and carried them off. An inhabitant of the city of Kovno, Vladislav Blum, testified:
>
> " 'Heart-rending scenes occurred under my eyes. The Germans took the children away from their mothers and sent

> them, no one knows where. Many children were shot together with their mothers.'
>
> "On the walls of the camp buildings inscriptions were discovered concerning the crimes of the Hitlerite monsters. Here are some of them:
>
> " 'Avenge us! Let the whole world know and understand how savagely our children were exterminated! Our days are counted! Farewell! Let the whole world know and let it not forget to avenge our innocent children! Women of all the world, remember and understand all the atrocities which befell our innocent children in the 20th century! My child is already dead, I am indifferent to everything!' "

Further, I refer to the document which has already been presented to the Tribunal under Document Number USSR-63. This is an official report on the torture and shooting of children in the Domachev children's asylum of the Brest region in the Bielorussian S.S.R. The members of the Tribunal will find this document on the reverse side of Page 223, fifth paragraph, first column. I shall quote three or four paragraphs out of this document, omitting the remainder:

> "By order of the German occupational authorities of the district, the Chief of the Prokopchuk district ordered the principal of the children's home, A. P. Pavliuk, to poison a sick 12-year-old child, Lena Renklach. After Pavliuk refused to carry out the order, the child was shot by policemen in the vicinity of the children's home, allegedly 'while trying to escape.'
>
> "In order to save the children from starvation and death, 11 of them were distributed among the local population in 1942, and 16 children were taken by their relatives."

And this was the further fate of those children. I continue with my quotation:

> "On 23 September 1942, at 7 o'clock in the evening, a 5-ton truck appeared in the yard of the children's home, bringing six armed Germans in military uniform. The group leader, named Max, explained that the children would be taken to Brest and ordered them to be placed in the truck. Fifty-five children and their teacher, Grocholskaya, were placed in the truck. One girl, 9-year-old Tossia Schachmatova, succeeded in climbing out of the truck and escaping. The remaining 54 and the teacher were driven away in the truck in the direction of the station of Dubitz, 1½ kilometers from the village of Leplevka. The car stopped at a frontier gun emplacement, 800 meters from the River West Bug. The children were undressed—which was proved by the fact that the children's

> clothes were found in the truck after its return to Domachev—and shot."

I omit the remaining part of this official report. It has been proved by documents dealing with the shootings that in mass executions of children they were torn in half while still alive and thrown into the flames. To confirm this, I refer to the testimony of the witness, Hamaidas, a native of the village of Lisbenitzky, in the Lvov region, who was confined by the Germans in Yanov Camp at Lvov.

Hamaidas' occupation in the camp consisted in burning the corpses of those who had been shot. At the same time, he was a witness to the mass shootings of the peaceful population—men, women, and children. The testimony of Hamaidas, together with other documents concerning the Lvov camps, has already been submitted to the Tribunal as Exhibit Number USSR-6(c) (Document USSR-6(c)); I quote two lines from the testimony of Hamaidas, from Page 55 of the document book, 11th line from the bottom of the page:

> "I was a witness to such facts. The executioner would seize children by the feet, tear them apart while they were still alive, and throw them into the fire."

Having shot the parents, the German murderers considered it unnecessary to waste ammunition on children. When they did not throw the children into the grave pits they often murdered them simply by hitting them with a heavy object or by pounding their heads against the ground. I refer, in confirmation of this, to the document already presented to the Tribunal as Exhibit Number USSR-6(c), in which are other documents on reports of legal-medical experts employed in the exhumation of corpses in Yanov Camp. I shall quote only two lines of the conclusion. The members of the Tribunal will find the place where I refer to the conclusion of the legal-medical experts on Yanov Camp on Page 330 of the document book, second paragraph at the top of the column, reverse of Page 330. I quote this brief excerpt:

> "The executioners did not consider it necessary to waste ammunition on children. They simply killed them by hitting them over the head with a blunt instrument.
>
> "Children were often cut in half with rusty saws and subjected to other forms of torture."

I ask the permission of the Court to read into the record only one paragraph from a note of the People's Commissar for Foreign Affairs of the U.S.S.R., dated 27 April 1942. The members of the Tribunal will find the place to which I refer on Page 8, reverse side, second column, third paragraph:

> "The invaders subjected children and adolescents to the most brutal tortures. Among the 160 wounded and maimed children,

> victims of the Hitlerite terror in the districts of the now liberated Moscow region, undergoing treatment in the Russakov Hospital in Moscow, there is, for instance, the case of a 14-year-old boy, Vanya Gromov, from the village of Novinki, who had been strapped to a table by the Hitlerites and then had had his right arm sawed off with a rusty saw. The Germans chopped off both hands of 12-year-old Vanya Kryukov, of the village of Kryukovo, in the Kursk region, and drove him, bleeding profusely, toward the Soviet troops."

I omit the rest of the quotation—two pages—since similar facts are related in the document which confirm the above-mentioned episodes.

Children were the first victims of carbon monoxide poisoning in the German gas vans. In confirmation I refer to the material already submitted as Exhibit Number USSR-1 (Document USSR-1), which is the report of the Extraordinary State Commission of the Soviet Union on the crimes of the German fascist occupiers in the Stavropol region. The members of the Tribunal will find that brief excerpt on Page 269 in the document book, Paragraph 4:

> "It has been established that in December 1942, by order of the chief of the Gestapo for the town of Mikoian-Schachar, Oberleutnant Otto Weber, an extraordinarily cruel massacre was carried out on Soviet children undergoing treatment for bone tuberculosis in the sanatorium of the Teberda health resort. Eyewitnesses to this crime, members of the sanatorium, medical sister, S. E. Jvanova, and medical aide, Polypanova, have testified as follows:
>
> "Before the entrance of the first section of the sanatorium, on 22 December 1942, a German automobile drew up. Seven German soldiers, who had arrived in the vehicle, dragged 54 seriously sick children, ranging in age from 3 years upward, out of the sanatorium (they were too ill to move and therefore were not driven forcibly into the van) and stacked them in layers inside the vehicle. They then closed the door, let in the carbon monoxide gas, and drove off from the sanatorium. An hour later the vehicle returned to Teberda. All the children had perished. They had been exterminated by the Germans and their bodies thrown into the Teberda ravine near Gunachgir."

Children were also drowned in the open sea. In confirmation, I refer to the document already submitted, Exhibit Number USSR-63 (Document USSR-63), on the "Indictment of German Atrocities in Sevastopol." The members of the Tribunal will find the place I am referring to on the reverse side of Page 226, Paragraph 7, second column of the text:

"In addition to the mass shootings, the Hitlerites cruelly drowned peaceful citizens in the open sea.

"Prisoner Corporal Friedrich Heile, of Troop Battalion 2-19 MKA, Naval Transport Detachment, testified as follows:

" 'When I was in the port of Sevastopol, I saw large groups of peaceful citizens, including women and children, brought to the harbor by trucks. All the Russians were loaded on barges. Many resisted. However, they were beaten and driven forcibly onto the barges. About 3,000 people, all told, were loaded on. The barges put out to sea. For a long time the crying was heard in the bay. Several hours passed, and the barges slipped again into their moorings. From the ships' crews I found out that all the people had been thrown overboard.' "

Heavy artillery fire was openly directed by the German fascist criminals against schools, children's asylums, hospitals, and other children's institutions in Leningrad. I present to the Tribunal the summary report of the Leningrad city commission for the investigation of German crimes. This report is being submitted to the Honorable Tribunal as Exhibit Number USSR-85 (Document Number USSR-85). I shall not quote any long passage from this report. I shall merely draw the Tribunal's attention to the fact that on Page 347, Volume II, Paragraph 4, in the document book, the Judges may see for themselves the list of targets exposed to German artillery fire, which is testified to by the logs of the fighting units. The following are some of those targets, "Number 736, a school in Baburinsk Street; number 708, Institute for the Care of Mothers and Infants; number 192, Palace of Pioneers."

I also shall take the liberty of quoting only a short excerpt from the testimony of the director of School Number 218, which the members of the Tribunal will find on Page 348, Volume II, first paragraph. The director of School Number 218, located at 13 Rubenstein Street, writes:

"On 18 May 1942, School Number 218 underwent artillery fire. A 12-year-old boy, Lenja Isarow, was killed. A little girl, Dona Binamowa, turned white and moaned with pain. 'Mummy, how can I get along without my leg?' she said. Leva Gendelev was bleeding to death. He was given aid, but it was too late. He died in the arms of his mother, calling out, 'Accursed Hitler!'

"Djenia Kutareva, though seriously wounded, begged that his father should not be disturbed because he suffered from heart disease. The teacher and all the pupils assisted the victims."

I conclude the quotation concerning Leningrad. I omit two pages of the text and draw the Tribunal's attention to Page 355, Volume II, second column, Paragraph 6. Your Honors will find there a document submitted as Exhibit Number USSR-8 (Document Number USSR-8). This is a report of the Extraordinary State Commission on "The Infamous Crimes of the German Government in Auschwitz." I shall quote several short passages from the second report entitled, "Murderers of Children." At the same time, however, I would ask Your Honors to pay special attention to Page 47 of the Auschwitz album (Exhibit Number USSR-30), as well as to Pages 48 and 49. The photographs on these pages clearly show how emaciated these children were. I omit the first paragraph, and I quote:

> "Investigations have proved that the Germans completely sapped the strength of children between 8 and 10 years of age, by forcing them to do the same heavy work they gave to the adults. Toil beyond their strength, beatings, and torture soon exhausted the children—then they were killed.
>
> "Ex-prisoner Jacob Gordon, a doctor from Vilna, testified:
>
> " 'In the beginning of 1943 at Camp Birkenau 164 boys were taken away to the hospital, where they were killed by injections of carbolic acid in the heart.'
>
> "Ex-prisoner Bakasch Waltraut of Düsseldorf, Germany, testified:
>
> " 'In 1943 when we worked on the construction of a hedge surrounding Crematorium Number 5, I myself saw SS men throw several living children into bonfires.' "

Here is what some of the children, who were saved by the Red Army, themselves testify about the tortures to which they were subjected. I omit the next paragraph and ask the Tribunal, while I read, to refer to Page 50 of the photographic documents of Auschwitz. Here we find the photographs of a 12-year-old boy, Zihmlich, and a boy of 13, Mandel, and the Tribunal can see the deformation of these children from exposure to cold. I continue:

> "A 9-year-old boy, Andrasz Lerintsiakosz, a native of the city of Klez, Hungary, testified:
>
> " 'After we had been driven to Block 22 of the camp, we were beaten, mainly by German women who were put over us as guards. They beat us with sticks. During my stay in the camp, Dr. Mengele bled me very frequently. In November 1944 all the children were transferred to Camp A, known as the Gypsy Camp. During roll call it was discovered that one child was missing. Thereupon, the leader of the women's camp, Brandem, and her assistant, Mendel, drove us all into the street at 1 o'clock in the morning and left us standing there in the cold until noon.' "

I omit the next three paragraphs of the quotation, and I read into the record the last paragraph of this section:

> "There were, among the 180 children liberated from Auschwitz and examined by physicians, 52 under 8 years of age and 128 between the ages of 8 and 15. All arrived in the camp in the second half of 1944, that is, they spent between 3 to 6 months in the camp. All 180 children underwent a medical examination, which established that 72 suffered from tuberculosis of the lungs and glands, 49 suffered from the consequences of malnutrition and elementary dystrophy (complete exhaustion), and 31 from frostbite."

I submit to the Tribunal and request Your Honors to accept as evidence Exhibit Number USSR-92 (Document Number USSR-92). It is a directive from the Administration of Food and Agriculture, entitled, "Treatment of Pregnant Women of Non-Germanic Origin." I refer this document to the Tribunal because, in their hatred of the Slav race, the German fascist criminals even attempted to murder babes in the womb. The members of the Tribunal will find the document on Page 362, in Volume II of the document book. I shall read two short paragraphs into the record. I quote:

> "There has recently been a considerable increase in the birth rate among women of non-Germanic origin. Difficulties have arisen in consequence, not only in connection with the use of these people for labor but, to a greater extent, with a danger of a social-political nature, which should not be underestimated."

I omit one paragraph and quote further:

> "The simplest method for overcoming these difficulties would be to inform, as soon as possible, the institutions which employ them for labor, of the pregnancy of the non-Germanic women."

I draw your special attention to the last sentence, "These institutions must attempt to compel the women to get rid of their children by resorting to abortion."

I conclude my quotation.

The analysis of the material connected with the Hitlerite terror in the countries of Eastern Europe is positive proof that the atrocities perpetrated on children will remain forever the most disgraceful page in the history of German fascism.

I request permission, Your Honor, to present now the photographic documentation which, owing to a technical difficulty, I was unable to show before the luncheon recess. With your consent I shall show it at once. Apparently the presentation will now be more successful than earlier in the day. I should emphasize that in selecting the photographs I was not guided, so to speak, by the horror of their contents, but simply by the fact that they demonstrate typical procedures of the German fascist crimes.

*[Pictures were then projected on the screen.]**

(1) Here we see one person being shot. This snapshot was taken in the Moscow region during the German advance on Moscow. The man was executed in reprisal for the death of a German.

(2) Here we see four persons being shot. The four youths condemned to death are standing on the edge of a pit which they dug. The members of the Tribunal can see for themselves that the German criminals standing on the outskirts of the wood are laughing at the victims.

(3) This snapshot was taken at the time of the execution. The killing is carried out in the typical German style, that is, by a shot in the back of the neck. You will observe that the victims are crying out at the moment of death.

(4) The snapshots, Your Honors, which I am now showing were taken by the German Obergruppenführer Karl Strock, chief of the Nipal Gestapo. It represents a German mass execution. The victims have been ordered to strip on the execution ground. Here you see a young girl seated, already undressed, and next to her her brother Jacob, who has also been ordered to strip. I wish to emphasize the fact that the snapshots were taken in December, when the cold is intense.

(5) In addition to some native women condemned to be shot, this snapshot also shows a very young girl endeavoring to hide behind her mother on the left.

(6) In December naked women in this snapshot have also been taken to the execution ground. Condemned to death, these women were forced by the same Obergruppenführer Strock to pose before the camera.

(7) Here we have a group of men and with them a small child accompanied by his mother. They are going to the execution ground. The child clutches his mother closely.

(8) This is an amateur photograph, albeit a very clear one. Here, Your Honors, you see a group of people and some dead bodies, with machine guns to the right of them. I would ask the Tribunal to observe the disposal of the dead bodies. The photograph is probably taken during the first months of the German occupation because the bodies have been thrown into the pit carelessly; in the latter months orders were given to lay out the bodies tidily in rows.

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* Mr. Counsellor Smirnov's explanations of the pictures were not recorded by the Russian stenographers. They were recorded, however, in English and German, and these notes are used in the English and German editions respectively, even though the two texts differ in some respects.

(9) This is a snapshot of the same group. Here you see both women and young girls condemned to death.

(10) In Yanov Camp the executions are carried out to the strains of the "Death Tango" played by an orchestra conducted by Professor Striks, an internee in the camp, together with his bandmaster, Mundt. I request Your Honors to observe two points of interest in this snapshot. To the right we see the camp commander, Obergruppenführer Gebauer, in white uniform, and behind him his dog, Rex, known to us through many interrogations as having been trained to harass living persons and to tear them to pieces. It is evident that Gebauer is leading the orchestra to the execution ground.

(11) One of the gallows used by the German fascists in their endeavor to establish a regime of terror in the temporarily occupied territories of the Soviet Union. The snapshot was found in the files of the Yanov Gestapo. A woman of sorts is seen laughing at the foot of the gallows.

(12) A second gallows erected in the same market place, at Lvov, also taken from the archives of the Gestapo.

(13) I am showing Your Honors the snapshot of an entire street festooned with bodies of Soviet citizens. This is a street in the city of Lvov, and I beg to remind the Tribunal that according to the records of the Ministry for Foreign Affairs the same hangings also occurred in Kharkov.

(14) The same street in Lvov. The snapshot was taken from the archives of the Lvov Gestapo.

(15) The gallows were not the only means of execution. The guillotine, too, was used on a vast scale. In this snapshot you see the heads of victims guillotined in the prison of Danzig. The snapshot was taken in the Anatomic Institute in Danzig, where the bodies of the victims were brought after execution.

(16) I shall not show you too many snapshots of tortures inflicted. I only wish to show a few typical examples. This snapshot was taken from a dead Gestapo soldier. It shows a young girl being flogged. Later you will see what next they did to her.

(17) It is not quite clear whether the girl is being strung up by the hair or hanged by the neck. Judging by the convulsive movement of her hands, I think that a noose has just been placed round her neck. Observe the bestial face of the scoundrel who is hanging her.

(18) Here is a snapshot taken from a dead Gestapo soldier. I wish to emphasize the manner in which the German fascists mocked the chastity of the Russian women. They had just forced these Ukrainian women to run naked before the German brutes.

(19) This snapshot will help you to understand subsequent events. It represents a machine for grinding human bones. Next to the

machine stands the prisoner of war who feeds the machine. It can grind the bones of 200 persons at a time. As has been proved to the commission, it has a constant yield of 200 cubic meters of bone flour.

That is all. Photographs are identified as Exhibits USSR-100, 101, 102, 212, 385, 388, 389, 390, 391.

Will you now permit me to submit further documentary evidence?

In the first part of my presentation I dealt with German mass terrorism and spoke specifically about the extermination of children and the infamous methods used by the Germans with regard to them, since terror applied to children—terror most savage, most brutal—is one of the characteristic features of fascist bestiality.

I now present to the Tribunal evidence of mass extermination of the population in various parts of Eastern Europe. I submit to the Tribunal brief excerpts from the report of the Polish Government, which Your Honors will find on Page 127 of the document book, in the second paragraph of the text. It describes the so-called Anin massacre. I quote:

> "At the end of December 1939 a Polish policeman was shot in the vicinity of Warsaw by a bandit. Subsequent investigations showed that the murderer was in a restaurant in Vaver, near Warsaw. Two German policemen tried to arrest him. When the police entered the restaurant, the bandit opened fire, killing one policeman and wounding another, that is, he apparently killed one and wounded another.
>
> "In reply the German authorities, on 26 December 1939, ordered mass reprisals, and a punitive expedition made its appearance in the village.
>
> "A detachment of 'Landesschützen,' under the command of an officer, was dispatched to Vaver and to the summer resort of Anin. Both of these localities were surrounded by a cordon of soldiers. The proprietor of the restaurant where the event occurred was immediately hanged, and his body suspended in front of his house for 3 days. At the same time the men were dragged out from every house. Having thus rounded up about 170 persons, the Germans made them stand in the railway station, facing the wall and with their hands held above their heads, for several hours. Afterwards their documents were checked and a few were dismissed, but the vast majority were informed that they would be executed. They were then taken to a field, split up into groups of 10 to 14, and executed by volleys from machine guns.
>
> "The number of individual graves discovered on the execution ground amounted to 107. Among those executed were two doctors, 30 youths under 16 years of age, and 12 old men

over 60. One was an American citizen of Polish origin. He was shot together with his son."

I shall omit the next paragraph of the report of the Polish Government dealing with the massacre in Piastoshyn, and I quote only an announcement from a German paper, the *Weichsel Zeitung*, of 23 October 1939. This announcement was quoted in the Polish report. I read:

> "In the Tuchel district, the farm of a Reich citizen, Fritz, in the vicinity of Pretzin, was burned by Polish bandits in the night of 21-22 October. The citizen Fritz had a heart attack in consequence. By order of the chief of the Civil Administration a punitive expedition was dispatched to this locality in order to teach the guilty bandits a lesson which would show them that acts of this kind would be severely punished. In reprisal 10 Poles, known for their hostile attitude towards Germany, were shot. In addition an order was given to the Polish inhabitants of this locality to rebuild the burned buildings and to pay for the damage done."

I shall omit half of the following page, and I quote briefly the circumstances of the Yousefouv massacre in Poland. Your Honors will find this quotation on Page 128, Paragraph 2 of the document book:

> "In the middle of January 1940 a family of German colonists in the village of Yousefouv was robbed and murdered by bandits, as the Germans themselves stated in the newspapers at a later date. A punitive expedition set out for Yousefouv."

I omit the next paragraph, and then I continue:

> "The expedition started a large-scale massacre. All the males who were caught in Yousefouv and the vicinity, even 11-year-old boys, were arrested and shot on the spot. Altogether 300 people were murdered."

Mass extermination of the peaceful population in Yugoslavia was of an exceptionally cruel nature. I quote that part of the report of the Yugoslav Government entitled, "Mass Murder of the Civilian Population and the Destruction of Villages." I beg the Tribunal to accept as evidence a photostat of the order of Lieutenant General Neidtholt, which is presented as Exhibit Number USSR-188 (Document Number USSR-188). I cite this order, which was quoted in the report of the Yugoslav Government:

> "The settlements of Zagniezde and Udora must be destroyed, the male population of these settlements hanged, and the women and children taken to Stoliac."

I omit the next page of the text and begin the quotation regarding the atrocities of the German fascist criminals in Kragujevac. In confirmation of this report of the Yugoslav Government, we submit to the Tribunal a certified photostat copy of a communication from the commander of the garrison at Kragujevac, in which he admitted the shooting of 2,300 people. This document is being submitted to the Tribunal, and I ask the Court to accept this as evidence under Exhibit Number USSR-74 (Document Number USSR-74). I quote from the report of the Yugoslav Government on the mass murder in Kragujevac:

> "This was a mass murder committed on 21 October 1941, in Kragujevac, by a German punitive expedition under the command of Major König. Besides König, the regional commander, Bischofshausen, and the commandant of the settlement, Dr. Zimmermann, participated in the organization and realization of this crime.
>
> "Already 10 to 15 days before the crime in Kragujevac was committed, one battalion arrived to reinforce the German garrison. First of all, the following villages were destroyed in the vicinity of Kragujevac: Mechkovac, Marsic, and Groshnic. In Mechkovac the punitive expedition murdered 66 people, in Marsic, 101, and in Groshnic, 100. All the victims were peaceful citizens of the villages in question.
>
> "When, after the perpetration of these crimes, the punitive expedition arrived in Kragujevac, they began by carrying out their plan to exterminate the citizens of Kragujevac, especially the Serbian intelligentsia. As early as the beginning of October the district commandant, Dr. Zimmermann, demanded of the director of schools in Kragujevac the regular attendance of the school children; otherwise they would be considered saboteurs and shot. After such a threat, all the pupils attended school regularly. On 18 October 1941, in conformity with a previously prepared list, all male Jews were arrested, as well as all persons who were considered Communists. They were imprisoned in the barracks of the former Yugoslav autotransport headquarters in Stanovlensko Polje. They were kept without any food until 20 October, and all were shot at about 6 o'clock in the evening; approximately 60 persons were killed.
>
> "The same day, that is, 20 October, they began to round up the entire male population of Kragujevac. After every exit from the city had been blocked, the Germans went into every public building and drove out all the employees. After that, all the professors and pupils from the fifth grade upward, together with the school masters, were taken from the high schools and seminaries."

I omit the next two sentences and quote further:

> "Together with the others, all the prisoners from the Kragujevac prison were taken off to the barracks. Then the order was given to them to go into the courtyard of the barracks. Here all their personal belongings were taken from them. The first to be shot were those who were originally incarcerated in the prison—approximately 50 persons. The rest were locked up in barracks. The next day, 21 October, as from 7 o'clock in the morning, they were taken off in batches to Stanovlensko Polje, and there shot down by machine gun fire. Those who did not die at once were finished off by the Germans with automatic guns and rifles."

I conclude this quotation and continue after the next three paragraphs.

> "The relatives of the victims of this mass slaughter were forbidden to visit the place of execution until the burial of the victims had been completed and all traces of the crime eliminated. They were also forbidden to hold any requiem masses or religious services for the victims. In the obituary notices in the papers it was forbidden to mention that the victims had met their death in the mass execution."

I omit the next five paragraphs and invite the attention of the Tribunal to a short part of the report of the Yugoslav Government dealing with the so-called "death march" or "march of blood," that march of dire fame which took place in the camp of Yarak. I quote that particular part which deals with this atrocious crime of the Hitlerites:

> "In the beginning of September 1941 a large German punitive expedition rounded up all the male population between the ages of 14 and 70 years and drove them from Shabatka across the Sava River into the settlement of Yarak in Sirinya. That was the so-called death march. About 5,000 men had to run a distance of 23 kilometers and back again. Those who could not stand the pace and fell by the way were ruthlessly shot on the spot. Because many were old and weak, the number of victims was great, especially while crossing the bridge over the Sava."

I conclude this, and I continue the next paragraph:

> "On the way back they met another group of 800 peasants who had to cover the same distance, but the treatment of this group was still more brutal. They had to run with their arms raised over their heads. They were systematically murdered on the way. Only 300 men of the group reached Yarak alive."

I interrupt the quotation here. I omit this page and the next, and, concluding my presentation of the mass murders of the civilian population in Yugoslavia, I would ask the Tribunal to accept in evidence the public announcement of the Chief of the German Armed Forces in Serbia. This document is presented to the Tribunal as Exhibit Number USSR-200 (Document Number USSR-200). Without making any comment at all, I simply quote this document, using the original text incorporated in the report of the Yugoslav Government. In the report the Commander-in-Chief in Serbia quotes the following facts:

> "In the village of Skela, a Communist detachment opened fire at a German military truck. It was established that several of the inhabitants had been watching and had seen the preparations for this attack. It was further established that these inhabitants could have warned the nearest station of the Serbian gendarmerie. It was also established that they could have secretly warned the German military trucks against the pending attempt. The inhabitants did not profit by the opportunity and had thus placed themselves on the side of the criminals. The village of Skela was burned to the ground. Supplies of ammunition exploded in several houses during the fire, and this was accepted as a proof of complicity on the part of the inhabitants. All the male inhabitants of the village whose participation in the attack had been proved were shot, and 50 Communists were hanged on the spot."

I now omit five pages of my presentation, and I invite the attention of the Tribunal to the brief excerpts from the report of the Greek Government, on Pages 39 and 40 of the Russian text of this report, from which we can see that the same inhuman and criminal methods of mass shootings were used by the Hitler criminals in the temporarily occupied territory of Greece. I begin my quotation:

> "As soon as the island of Crete was occupied by the Germans.... In compliance with this announcement, the first reprisals were made, and several people, most of them absolutely innocent, were shot, and the villages of Skiki, Brassi, and Kanades"—perhaps I am stressing the wrong syllables, since I do not know how these words should be pronounced in Greek—"all these villages were burned down as a reprisal for an attack by collaborators of the Greek police during the invasion of Crete. On the sites where these villages formerly existed, posts were erected with inscriptions in Greek and in German: 'Destroyed as a reprisal for the brutal murder of a detachment of paratroopers and half a platoon of sappers by armed men and women in the rear.'
>
> "Measures of reprisal, which at first were of a temporary nature, later grew in intensity, especially after the resistance made by organized partisan detachments throughout the

country in the beginning of 1943. The technique was always the same. The day after some act of sabotage or any other action committed by the partisans near a village, the German troops would appear in this village. The inhabitants would be rounded up in the central square or some other place suitable for the occasion, to listen to a public announcement, but in reality to be killed on the spot by machine gun fire. After this the Germans either burned the villages or else, in some cases, they would first plunder a village and then open fire on it. The inhabitants were killed openly in the streets, houses, and fields, regardless of age and sex. There were few cases when only the male population from the age of 16 years and over were executed. In other cases, when the men succeeded in hiding in the mountains, the Germans would execute the old men, women, and children who had remained in the villages, hoping that their age and their sex would protect them. The villages of Arachovo, Kalovryta, Gestamon, Klessoura, Kommeno, and Lissovouni may be considered as typical examples. Some villages were destroyed for the sole reason that they were located in some region where partisans had been active."

I omit the next sentence since it has a direct bearing on another text of the report. I continue my quotation:

"The number of people murdered amounts to nearly 30,000."

I am now going over to the presentation of evidence of mass exterminations of the peaceful population in the territory of the U.S.S.R. by the Germans.

As to the circumstances of the mass executions, we may now judge them not only by the testimony of eyewitnesses or of the perpetrators of the atrocities; we may, in part, judge them on the basis of the material collected by the legal and medical commission. I say "in part" because, as from 1943, fearing retribution for the crimes committed, the Hitlerites began to destroy the traces of their crimes. They exhumed and burned corpses, ground bones, and strewed the ashes on the fields; they also used the slag formed by the corpses cremated, as well as the bone flour, for repairing the roads and fertilizing the fields. But notwithstanding the efforts of the criminals to conceal the traces of their crimes, it was impossible to destroy all the corpses of the people murdered.

The first mass "action" of the Germans, when tens of thousands of innocent and peaceful people were murdered at a time, was the "Kiev action." In order to realize the extent of these atrocities I refer Your Honors to a communication of the Extraordinary State Commission already submitted to the Tribunal as Document Number USSR-9. I quote from Page 238, on the reverse side of the document book, at the end of the third paragraph from the top. I quote:

> "In Kiev, over 195,000 Soviet citizens were tortured to death, shot, and poisoned in the gas vans, as follows:
>
> "(1) In Baybe-yar, over 100,000 men, women, children, and old people.
>
> "(2) In Darnitza, over 68,000 Soviet prisoners of war and peaceful citizens.
>
> "(3) In the antitank trench in the vicinity of Syretzk Camp and in the camp proper, over 25,000 peaceful Soviet citizens and prisoners of war.
>
> "(4) In the grounds of the Hospital of St. Cyril, 800 insane patients.
>
> "(5) In the grounds of the Kiev-Pechersk Abbey, about 500 peaceful citizens.
>
> "(6) In the cemetery of Ljukjanousk, about 400 peaceful citizens."

I continue to quote from this document, Page 238, second column of the text, Paragraph 6, and I give two short excerpts from this page. I begin:

> "In 1943, sensing the uncertainty of their position in Kiev, the occupying forces, in an attempt to conceal the traces of their crimes, opened up the tombs of their victims and began to burn the corpses. The Germans relegated the burning of the corpses in Baybe-yar to the internees of Syretzk Camp. SS officer Topheide was placed in charge of this work, together with members of the gendarmerie, Johann Merkel and Vogt, and the commander of the SS platoon, Rever.
>
> "The witnesses, L. K. Ostrovski, C. B. Berlandt, W. Y. Davydov, Y. A. Steyuk, and J. M. Brodski, who had escaped the shootings at Baybe-yar on 29 September 1943, testified:
>
> " 'As prisoners of war we were interned in the Syretzk Concentration Camp in the outskirts of Kiev. On 18 August 100 of us were sent to Baybe-yar. There we were shackled in chains and ordered to exhume and burn the corpses of Soviet citizens who had been murdered by the Germans. Here the Germans brought granite monuments and iron railings from the cemetery. From these monuments we made platforms on which we placed rails, and on top of these rails we laid the iron grills to act as fire bars. On the iron grills a layer of firewood was placed, and on top of the firewood we placed a layer of corpses. On the corpses we placed a further layer of firewood and poured petroleum over the whole. Following this order the corpses were piled up in several layers and

then ignited. About 2,500 to 3,000 corpses were placed in each of these "ovens." The Germans detailed special crews for the removal of earrings, rings, and also gold teeth from the jaws of the dead.

" 'When all the corpses were burned, new "ovens" were stacked, and so on. The bones were smashed into small particles by bulldozers and the ashes strewn over the Yar, so that no traces should be left. The men worked from 12 to 15 hours a day.

" 'The Germans used excavators in order to expedite the work. From 18 August until the day of our escape—29 September—approximately 70,000 corpses were burned.' "

I interrupt this quotation and invite the attention of the Tribunal to a document on Page 287, Volume II, Paragraph 5 of the document book, second column. This is a report of the Extraordinary State Commission on crimes of the German fascist invaders in the territory of the Latvian S.S.R. In the place to which I will draw the attention of the Tribunal it is shown that the Hitlerites systematically carried out executions in the forest of Birkeneck. I make a special point of quoting this because further on we shall present documentary films showing full details of these mass shootings. I begin the quotation:

> "In the forest of Birkeneck, on the outskirts of the city of Riga, the Hitlerites shot 46,500 peaceful citizens. The witness, M. Stabulnek, a woman who lived in the vicinity of the forest, stated that:
>
> " 'On Friday and Saturday before Easter, 1942, packed busses went from the city to the forest. I saw 41 busses passing my house from the beginning of Friday morning to noon. On Easter Sunday, many inhabitants—I among them—went into the forest to the site of the executions. There we saw one large open pit containing the bodies of women and children who had been shot; they were either naked or in their underwear. There were traces of torture and ill-treatment on the corpses of the women and children, many of whom had black and blue bruises on their faces and cuts on their heads. Some had had their hands and fingers cut off, their eyes gouged out, and their stomachs ripped open.' "

I now omit one paragraph and continue:

> "The commission discovered, on the execution ground, 55 graves covering a total area of 2,885 square meters."

I quote one more paragraph from this communication:

> "In the forest of Dreilin, 5 to 7 kilometers east of Riga, along the highway to Luban, the Germans shot over 13,000 peaceful

citizens and prisoners of war. The witness, W. S. Ganus, testified:

> " 'As from August 1944 the Germans organized excavation crews to open up the graves, and all through the week bodies were burned. The forest was surrounded by German guards armed with machine guns. On and after 20 August black, closed cars filled with citizens, among whom were women and children—so-called "refugees"—began to arrive; they were shot and their bodies burned immediately. I had hidden in the bushes and watched this fearful scene. The screams of the victims were terrible. I heard shouts of "Murderers," "Hangmen" and the children crying, "Mama, don't leave me." The bullets of the murderers stopped the screams.' "

I conclude this document because it now contains only analogous facts. I wish to invite the Tribunal's attention to the fact that 38,000 people were shot in this forest.

I further request the Tribunal to refer to a document already presented to the Tribunal as Document Number USSR-47, which is the report of the Extraordinary State Commission of the Soviet Union on crimes committed by the German and Romanian invaders in Odessa and the region of Odessa. I shall refer to two very brief excerpts of this report. Your Honors will find one of the excerpts I wish to quote on Page 283, Volume II of the document book, first column of the text, Paragraph 5. I begin:

> "On 21 December 1941 the Romanian gendarmes proceeded to execute the internees in the camp. The internees were brought, under guard, to a half-ruined building on the outskirts of the forest. There they were forced to kneel by the ravine; then they were shot. From the edge of the ravine those who were killed—and often those who were only wounded—fell to the foot of the ravine, where a gigantic fire of straw, reeds, and wood had been built. The smaller children were thrown alive into this fire by the executioners. The burning of the corpses went on for 24 hours on end."

Here I interrupt my quotation, since details of these crimes will follow later, and I refer the members of the Tribunal to Page 283 of the document book, Paragraph 3, Column 2, containing a complete summary of the data available:

> "According to the preliminary figures, as established by the commission, the Germano-Romanian occupiers shot, tortured to death, and burned, in Odessa and the region of Odessa, up to 200,000 people."

In confirmation of the fact that during the mass executions, the so-called "actions," the German criminals buried people who were still alive, I submit to the Tribunal, under Exhibit Number USSR-37

(Document Number USSR-37), a report of the Extraordinary State Commission, dated 24 June 1943. I quote the act, which the members of the Tribunal will find on Page 359, in Volume II of the document book. The place that I refer to will be found on Page 362 of the document book:

> "While excavating the pit at the foot of Chalk Hill (Mielovaya Gora) in the town of Kupiansk, 71 bodies were discovered, including the bodies of 62 men, eight women, and one infant. All the victims were unshod and some of them were quite naked."

I pass to the quotation of Paragraph 4, Page 362:

> "The Commission notes that there were many whose wounds were not fatal; they had evidently been thrown into the pit and buried alive. This has also been confirmed by citizens who passed near the pit soon after the shooting; they saw the ground stirring and heard dull groans emanating from the grave."

In confirmation of this fact, I would request the Tribunal to read into the record the original minutes, taken from the report of the Extraordinary State Commission, on the interrogation of the witness, Vassilievitch Joseph Ivanovitch, examined by the public prosecutor of the city of Stanislav at the request of the Extraordinary State Commission. We submit this document as Exhibit USSR-346 (Document Number USSR-346). I shall quote only two paragraphs from the minutes of this interrogation:

> "In the beginning of 1943 we burned people there in the cemetery, to which firewood was brought for this purpose. There were cases where women and children were thrown alive into the pits and there buried.
>
> "One woman—I do not know her name—begged an officer not to shoot her, and he gave her his word that she would not be shot. He even said, 'I give you my word as an officer that you will not be shot.' After the shooting of the group to which this woman belonged, this officer himself took her by the hand, threw her alive into the pit, and she was buried alive."

Thus, in one whole series of cases, the victims were purposely buried alive in order to add extra cruelty to the misdeeds of the criminals. In other cases this was due to the fact that the Germans did not even consider it necessary to verify whether the people to be liquidated were dead or not.

An investigation of the data on the exhumation of these bodies, when the German fascists no longer had the time to destroy the traces of their crime by burning them, shows that towards the end of 1941 and in 1942 the criminals did not particularly attempt to camouflage the execution grounds—and this despite the instructions, already known to the Tribunal, issued by fascist headquarters on the camouflaging of execution grounds and keeping secret the so-called executions. I am of the opinion that this can be explained only by the fact that the Germans, in spite of some set-backs, were convinced of their final victory, and that, therefore, they hoped that their deeds would not be punished.

I refer to the document already presented with other documents to the Tribunal as Document Number USSR-2(a), a report of the Extraordinary Commission of the Soviet Union on atrocities committed by the German fascist invaders in the region of Stalinsk. There we find a report of the medical-legal expert commission on the atrocities committed by the German fascist invaders in the alabaster quarries near the city of Artemovsk, in the Stalinsk district. I shall quote only a brief excerpt from this document. I shall omit the greater part of the indictments.

In the document book, Page 366, fifth paragraph, of the first column of the text, Your Honors will find the following:

> "Two kilometers to the east of the city of Artemovsk, in the tunnel of the quarry of the alabaster works, 400 meters from the entrance, there is a small opening walled up with bricks. When the bricks were removed a continuation of the tunnel was discovered. This was a narrow passage rising steeply, having at the end a broad, oval cavern, 20 meters in length, 30 meters in width, and 3 to 4 meters in height.
>
> "The entire cavern was filled with dead bodies and only a small area at the entrance and a narrow strip in the center were free of corpses. The bodies were closely pressed one against the other, with their backs turned to the entrance to the cavern.
>
> "This is typical because it shows the customary German routine of shooting in the nape of the neck.
>
> "The corpses were wedged so tightly that, at first glance, it appeared as though there was just one solid mass of intertwined bodies. The last layers had been heaped on the first, which were then closely pressed to the walls of the cavern."

I omit the two following pages of the report, and I merely quote the conclusion of the legal-medical expert commission. You will find this on Page 366, Volume II, second column of the text, Paragraph 15:

> "According to the testimony of the inhabitants of Artemovsk, on 9 February 1942 several thousand people were driven into the abandoned alabaster quarries, carrying their small household possessions and food.

> "As and when the cavern filled up, the people were shot either when standing or kneeling down; then another batch would be driven in and shot down on the corpses of the first batch; the corpses of the victims were piled one on top of another. Some people tried to flee from the impending murder, trampled one another down, and died in agony."

I further omit three pages of my presentation and continue on Page 209. During the period of the mass executions the German fascist criminals elaborated a definite technique for the execution of their crimes. I would like to mention some of the most typical methods employed, because the Tribunal will realize, on hearing individual instances, how criminally this technique of atrocities was perfected by the Germans and how increasingly cynical was the premeditation of these monstrous crimes. In confirmation of my statement, I should like to present some documents to the Tribunal.

THE PRESIDENT: We shall have to break off now. It is 4 o'clock.

The Tribunal would be glad to know how much longer your presentation will be.

MR. COUNSELLOR SMIRNOV: I shall finish my presentation of evidence tomorrow.

[The Tribunal adjourned until 19 February 1946 at 1000 hours.]

SIXTY-SECOND DAY

Tuesday, 19 February 1946

Morning Session

THE PRESIDENT: I have an announcement to make.

The Defense motion for a recess cannot be granted. When a recess at Christmas was decided upon, the Tribunal informed the Defense Counsel that no further recess would be granted.

As Counsel for the Prosecution has pointed out, Defense Counsel have already had several months in which to prepare their defenses to a case which depends principally upon documents in the German language, written by the defendants themselves or their associates. They have also had constant assistance from the Tribunal and the Prosecution in connection with documentary evidence and witnesses.

The Tribunal has observed that many of the Defense Counsel have already found it possible, quite properly, to absent themselves from court, and the Tribunal sees no reason why some of the time which must elapse for the conclusion of the case for the Prosecution should not be utilized in preparation of their defenses out of court.

The Tribunal therefore decides that, at the conclusion of the Prosecution's case against the individual defendants, the argument on the groups or organizations alleged to be criminal shall take place and that thereafter applications for documents and witnesses by those defendants whose witnesses and documents have not already been decided upon shall be heard in open session. In this way several days will be occupied in which many of the Defense Counsel can be absent from court and they can prepare their defenses out of court.

That is all. You may continue, Colonel.

MR. COUNSELLOR SMIRNOV: Your Honor, you asked me yesterday who, in January 1942, was the chief of the military economy and armament department of the German Army. I could not answer yesterday but today I can report to you that General of the Infantry Thomas held this position.

As to the second question which you put to me, that is, what measures were taken in regard to the correspondence connected with the report of Major Roesler, I requested information from Moscow, where this correspondence is kept. There are only excerpts from this correspondence in the archives, the rest of the correspondence is in another archive. We requested information from this archive and as soon as the latest disposition of this correspondence is ascertained, I will immediately report to the Tribunal. This will take about a day or two.

Before continuing my statement, I wish to remark that today I should conclude the presentation of all the evidence concerned with my statement. I have to submit a considerable number of documents, and therefore my statement will be rather fragmentary. I will not dwell on particulars and will endeavor not to repeat what has already been said by the prosecutors of other countries. This will render my statement somewhat piecemeal, for which I must beg your indulgence.

I will now proceed with my statement.

The legal-medical expert's report, drawn up in the city of Smolensk, has already been submitted to the Tribunal as Exhibit Number USSR-48 (Document Number USSR-48). It was signed by a member of the Extraordinary State Commission for the Soviet Union, President of the Medical Academy and eminent Soviet physican, Academician Burdenko, by the principal legal-medical expert of the Ministry for Health, Dr. Prozorovsky, and other experts. In addition to the final conclusions which have already been presented by my colleague, Colonel Pokrovsky, I now submit to the Tribunal the actual record of these experts' investigation. From this the Tribunal will be able to judge, not only the final conclusion but also the methods used for this investigation. The Tribunal can see for themselves the detailed description of each burial ground investigated by experts, as well as the detailed examination of the corpses exhumed from the ditches. I will not repeat those parts of the account which have already been partially quoted by Colonel Pokrovsky. Therefore I omit four pages of my statement and pass on to Page 213. The part which I wish to quote now Your Honors will find on Page 377 of the document book, Volume II, Paragraph 2 of the page. The experts describe a typical scene of a burial site of the German victims in 1941 and the beginning of 1942. I quote:

> "The ditches from which the corpses were exhumed were not common burial grounds. The corpses were not laid out in a row, one next to the other, but layer upon layer, a solid mass of women's and men's bodies heaped together in confusion. In this mass of corpses some were bent or half bent, some were lying on their faces, on their sides, or on their backs, some were on their knees, with faces down or up, with legs and arms interlinked. It was impossible to separate the corpses before they were exhumed from the ditch."

However, this chaotic manner of burial of the corpses appears to characterize only the mass burials of victims of the first mass shootings which were carried out toward the end of 1941 and the beginning of 1942. During subsequent exhumations the legal-medical experts discovered very many burial grounds where the corpses were laid down in orderly fashion, layer on layer.

A typical scene of such a burial ground the Tribunal can find in the album regarding the Lvov Camp. On Page 15 of this album there is a picture of a burial ground of the later period. The bodies are lying in regular layers, and this can be explained by...

THE PRESIDENT: Which album is this?

MR. COUNSELLOR SMIRNOV: It is the album which concerns the Lvov Camp, Your Honor. It was submitted to the Tribunal yesterday. The picture I am talking about is on Page 15 of the album. It is a photograph which was discovered in the Gestapo headquarters at Lvov.

The reason that impelled this regular disposition of bodies will become clear to the Tribunal from an excerpt of the Extraordinary State Commission's report on atrocities.

THE PRESIDENT: Is this a photograph of the bodies as they lay in the trench or after they had been moved?

MR. COUNSELLOR SMIRNOV: No, it is a photograph taken by some Gestapo official, Your Honor, and was discovered in the archives of the Lvov Gestapo. If you will look at this picture, you will see that the corpses are lying almost in regular rows on the spot of this mass-shooting.

What was the reason for this regular laying out of the corpses? The Tribunal will find the answer to this on Page 290 of the document book, second column of the text, Paragraph 8. This is a report of the Extraordinary State Commission on atrocities committed by the German fascist invaders in the city and region of Rovno. I quote:

> "The witness Karpuk, a worker on a German farm near Belaya Street, testified:
>
> " 'Several times I saw how the Hitlerites exterminated Soviet citizens, Ukrainians, Russians, Poles, and Jews. This took place usually in the following manner: The German butchers brought the doomed people to the place of execution, forced them to dig a ditch, ordered them to undress, and to lie down in the ditch, face downward. The Hitlerites fired at the back of the necks of the victims with automatic pistols. Then another group of people lay down on top of the bodies of those shot and were finished off in the same manner, and then a third row, and so on, until the ditch was filled. Then

> they poured quicklime over the corpses and covered them with earth.' "

One can judge how widespread was this infamous and cruel method of mass execution from an excerpt concerning the executions in Maidanek. I quote from a Soviet-Polish communiqué already presented to the Tribunal as Exhibit Number USSR-29 (Document Number USSR-29). The Tribunal will find this on Page 65 of the document book, first column of the text, Paragraph 14. I begin the quotation:

> "On 3 November 1943, 18,400 people were shot in the camp; 8,400 came from the camp itself, and 10,000 were herded there from the city and other camps."

I omit the next sentence.

> "The shootings started early in the morning and ceased late in the evening. The SS brought the people, stripped naked, to the ditches in groups of 50 or 100 men. They were packed into the bottom of the ditch face down and shot with automatic rifles. Then a new group of people were piled on the corpses and shot in the same manner; and so on until the pits were full."

I especially concerned myself with determining the exact date when this method was used for the first time. According to Soviet documents this started in the second half of 1942. But in general, it may be stated that similar methods of shooting were already adopted by the German police detachments in Poland in 1939.

Thanks to the kindness of our British colleagues, I submit to the Tribunal a document which was received by our delegation from the British Prosecution. It is a photostat of the document—the original is in the archives of the British Delegation and I think I am safe in saying that if the Tribunal requires the original copy, it can be presented. The authenticity of the information which is contained in this correspondence cannot be questioned. It is a German report taken from the archives of Hitler's aide-de-camp. I quote one place, which the Tribunal may find on Page 391 of the document book, second volume, Paragraph 2, (Document USSR-342). The German staff doctors considered it necessary to report to Hitler about these shootings because "since these shootings were done publicly, enemy propaganda may derive much material. . . ."

Out of this correspondence I quote a short excerpt from the record of Corporal Paul Kluge's interrogation. Paul Kluge belonged to a medical detachment stationed in Shwetz. He heard that a shooting of Poles would take place on Sunday, 8 October 1939, in the Jewish cemetery. Out of curiosity he decided to visit the place of execution. I quote only that part of his interrogation which relates the manner of shooting. The Tribunal will find this quotation on Page 393 of the document book, second volume, second paragraph (Document Number USSR-42). I start the quotation:

> "We were already of the opinion that we were the victims of silly rumors and had returned to our barracks, when suddenly a large bus full of women and children drove into the cemetery. We returned to the cemetery. Then we saw a party consisting of a woman with three children, aged from 3 to 8 years, led to an open grave about 2 meters wide and 8 meters long. The woman was forced to descend into this grave and took the youngest child with her in her arms. Two men, members of the punitive expedition, handed the other two children to her. The woman was forced to lie, face down, in the grave and beside her three children, in the same manner, on her left. After that, four men of the detachment also climbed down into the grave, aimed their guns so that the barrels were about 30 centimeters away from the napes of their necks. Thus they shot the woman and her three children.
>
> "Then the chief of the detachment called on me to help fill in the grave. I obeyed this order and, being quite near, I could see the next party of women and children being shot in the same manner as were the first.
>
> "In all, there were nine or ten groups of women and children, all shot in the same way, four at a time in the same grave."

We can therefore see that this method of mass shooting is of very early origin.

I omit the next page of the report as it contains the minutes of another interrogation with similar information, and submit to the Tribunal proof of other, even more cruel methods of mass shootings which the Hitlerite criminals invented, beginning with 1943 and continuing to the end of the war.

The Hitlerite criminals, beginning with 1943, began to adopt different methods to cover the traces of their crimes, in particular, to burn the bodies. It has been proved by documents that the Hitlerites compelled their victims, first to prepare the kindlings and logs, then to lie down on these wood piles. Then the first group was shot. The next party of condemned persons brought logs, laid them down on the layer of corpses, and then lay down themselves on these logs and were then executed.

I beg Your Honors to turn to the album concerning the Auschwitz Camp, where the pictures of another camp, Kloga, are also included. You will find there a typical example of this cruel manner of shooting. In order to prove this, I turn to a document which has already been submitted previously to the Tribunal as Exhibit Number USSR-39. The excerpt which I wish to quote is on Page 233 of the document book, second column of the text, last paragraph. I start the quotation:

> "On 19 September 1944 the Germans began the liquidation of the Kloga Camp. Unterscharführer of the Camp, Schwarze, and the chief of the office, Hauptscharführer Max Dalmann, selected 300 people from among the internees, and made them carry firewood to a clearing in the woods. Seven hundred other men were forced to build pyres. When these pyres were ready the German butchers began mass shootings of the internees.
>
> "In the first place, those who carried the wood and built up the fires were shot and then the remaining victims. The shooting was carried out in the following manner: At the point of a gun members of the SD Police units forced the prisoners to lie face down on the platforms of the pyres and then they shot them with submachine guns or revolvers. The bodies were burned on the fires."

To save time I omit the next part of the quotation. In order to prove that the methods in other camps were even more cruel but of the same type as the ones described above, I beg the Tribunal to turn to a document, which has already been submitted as Exhibit Number USSR-38 (Document Number USSR-38). It is the report on the atrocities of the German invaders in the town of Minsk. I refer to a quotation which the Tribunal will find on Page 215 of the document book in the second column of the text, last paragraph.

In the first part of this quotation you will read how, in order to conceal the traces of their crimes, the German Hitlerite invaders built near the camp in Maly Trostianets primitive crematorium installations. I begin my quotation by that passage of the report which speaks of the shootings which occurred in the immediate neighborhood of these primitive crematorium installations. To facilitate the task of the translators, I inform you that I omitted three pages of the text and I read now from Page 223 of the Russian text of the speech.

I begin the quotation with the testimony of the witness Savinsky, who stated as follows:

> "Having reached a point 10 kilometers from Minsk, near the village of Maly Trostianets, the car stopped near one of the barns. We all understood that we were brought here to be shot.... By order of the German butchers the interned women were brought out in groups of four from the car. Seeing that it was my turn, together with Anna Gobubovich, Yulia Semashko, and another woman whose name I do not know, I

> climbed on top of the pile of bodies. Shots were heard. I was slightly injured on the head and fell."

I omit the next part of the quotation which described how this woman saved herself. I quote the last paragraph:

> "The legal-medical experts discovered that there were bullet wounds in the necks of these bodies. In the barn and on the stacks of logs the Germans shot and burned 6,500 persons."

I omit the next three pages of the text and next submit to the Tribunal the proofs of the organization of the German fascist invaders...

THE PRESIDENT: The translation came through to us that 63 people were killed. The translation in writing is 6,500.

MR. COUNSELLOR SMIRNOV: The translation in writing is absolutely correct, Mr. President. For the confirmation of this, one could turn to the original document—the report of the Extraordinary State Commission of the Soviet Union. This was a gross error on the part of the interpreters. They diminished the number of those shot more than 10,000 times.

So I omit the following three pages of the statement and will present evidence of the existence of special places of mass executions where the number of victims was numbered by hundreds of thousands of persons and where the doomed were brought in not only from the surrounding regions but from many countries of Europe.

By means of brief excerpts I submit to the Tribunal proof of the existence of two such centers, which were among the most famous. They are the center of mass executions of Panary, 8 kilometers from Vilna, and Fort Number 9, the "Fort of Death" in Kaunas, which has acquired a particularly grim reputation.

I quote a report which has been submitted to the Tribunal, the report of the Extraordinary State Commission on the atrocities of the Hitlerite invaders in Lithuania. The Tribunal will find this quotation on Page 294, second column of the text, last paragraph. For the convenience of the interpreters I inform you that I am quoting from Page 228. I omit the first three paragraphs which state that the mass execution place at Panary was organized in July 1941 and existed until June 1944. I continue the quotation starting with the fourth paragraph where it is related how the Hitlerites attempted to cover up the traces of their crimes in this place of mass executions. I quote:

> "In December 1943"—stated witness Saydel Matvey Fedorovich—"we were forced to exhume and burn the corpses."

I omit the next sentence and continue the quotation:

> "For this purpose, we placed on each pyre about 3,000 corpses, poured oil over them, placed incendiary bombs on four sides, and set it on fire.
>
> "The burning of corpses continued from the end of 1943 to June 1944. During this period, more than 100,000 corpses were dug out from nine pits of a total volume of 21,179 cubic meters and were burned on fires. The last days before their retreat the Hitlerites did not have time to burn the bodies of the shot. . . ."

I omit the next few paragraphs and quote the results of the medical-legal expert commission:

> "The corpses that were examined were, for the most part, those of the civilian population. A small number of corpses were found dressed in military uniforms. On some of the corpses were found objects of religious worship of the Catholic and Greek Orthodox faith. According to the objects and documents found; it has been established that among those who were shot, there were physicians, engineers, students, chauffeurs, mechanics, railroad workers, tailors, watchmakers, tradesmen, *et cetera.*"

I omit the next three paragraphs and pass on to the concluding sentence:

> "The medical-legal expert commission has established that the German fascist butchers shot and burned in Panary not less than 100,000 people."

I quote further proof concerning the Fort of Death in Kaunas. I begin the quotation:

> "Fort Number 9 was called by the residents of Kaunas the 'Fort of Death.' This fort, located 6 kilometers northwest of the city, is an old iron-reinforced concrete fortification. Inside, there are numerous casements, which were used by the Germans as cells for prisoners. This fort is surrounded by a concrete wall and barbed wire.
>
> "In the very first days after their arrival in Kaunas, the Hitlerites drove some 1,000 Soviet war prisoners into the fort and forced them to dig ditches in a field of over 5 hectares in area, at the western wall of the fort. During the months of July and August 1941, 14 ditches were dug, each of them 3 meters wide, more than 200 meters long, and more than 2 meters in depth. Those who entered Fort Number 9 never survived. In columns of several thousand people, the Hitlerites drove in there women, children, adolescents, men, and aged persons for the purpose of shooting them and burning their bodies."

I omit the next three paragraphs and continue my quotation:

> "In Fort Number 9 people of different nationalities were shot: Russians, Ukrainians, Bielorussians, Lithuanians, Poles, and Jews. The following people were shot in this fort: a deputy to the Supreme Soviet Council of the U.S.S.R., Bydzhinskiene; a deputy to the Supreme Soviet Council of the Lithuanian S.S.R., Zhibertas; and others. Besides Soviet citizens the Hitlerites exterminated French, Austrian, and Czechoslovak citizens in Fort Number 9.
>
> "A former supervisor of Fort Number 9, the witness Naudjunas, testified:
>
> " 'The first group of foreigners, numbering 4,000, arrived at the fort in December 1941. I talked to one of the women, who said that they were being transported to Russia, allegedly for work. On 10 December 1941 the extermination of foreigners began. They were ordered to leave the fort in groups of 100 people, allegedly for inoculations. Those who left for inoculations did not return. All 4,000 foreigners were shot. On 15 December 1941 another group arrived, numbering approximately 3,000 persons, which was also exterminated.' "

I omit the next paragraph on this page, and nearly the whole of the following page, and quote only the conclusive data:

> "The Investigation Commission ascertained that the Hitlerites had exterminated in Fort Number 9 over 70,000 peaceful inhabitants."

In numerous cases the German fascists used methods full of cruel cunning for the mass extermination of peaceful Soviet citizens. In order to prove this statement, I refer to the report of the Extraordinary State Commission for the Stavropol region, which has already been submitted to the Tribunal as Exhibit Number USSR-1 (Document Number USSR-1). The Tribunal will find this excerpt on Page 268 of the Document Book; I quote one paragraph—the second paragraph, of the text:

> "It is established that, before retreating from the city of Geozgievsk on 9 and 10 January of this year, by order of the chief physician of the German hospitals in the city, Baron Von Heiman, the German soldiers sold alcohol and soda water at the city market, which proved to be methylated spirit and oxalic acid. The result consisted in mass poisoning of the inhabitants of this town."

Among the crimes perpetrated by the German fascists on Soviet territory I must mention especially the treatment to which they subjected the inhabitants of Leningrad. I have already mentioned this in speaking of the Leningrad children yesterday.

In order to shorten my quotation from the Extraordinary Commission's report on Leningrad—although, being a citizen of Leningrad myself, I would like the Court to have an accurate picture of the sufferings endured by the great city as a result of the German fascist terror—I will quote only general data regarding the German destruction and crimes in the city of Leningrad. The Tribunal will find this quotation on Page 345 of the document book, second volume. I begin the quotation:

> "During the 900-day siege of Leningrad, when the German fascist invaders were in possession of its suburbs, they perpetrated countless atrocities on the peaceful civilians.
>
> "The Germans dropped on Leningrad 107,000 demolition and incendiary bombs and 150,000 heavy artillery shells. Every minute throughout the siege each Leningrad resident was in the same danger as if he had been on a field of battle. Every instant he was threatened with death or mutilation. Bombing and artillery fire killed a total of 16,747 and wounded 33,782 persons."

I interrupt my quotation, omit the next page of my statement, and beg the Tribunal to notice Page 347 of the second volume of the document book, an excerpt from the diary of the German artillery men who shelled Leningrad. These notes are most cynical and cruel.

I will now give figures of persons who died of hunger in Leningrad in the terrible winter of 1941-1942. I quote only one line: "As a result of the hunger blockade of Leningrad, 632,253 people perished."

I omit the following two pages and pass on to evidence concerning the adoption by the Hitlerites of special machines for the extermination of people by monoxide gas—in special machines (Sondermaschinen), by "gas vans" or "murder vans," *(dushegubki)* as the Soviet people rightly named them. The very fact of employing such machines for the mass murder of people constitutes a very heavy charge against the leaders of German fascism. The special equipment for mass extermination of people in hermetically closed automobiles in which the exhaust pipes were connected to the bodies of the car by means of special movable tubes was utilized by the German fascists for the first time in the U.S.S.R. in 1942. I would like to remind the Tribunal that these gas vans were mentioned for the first time in a report which I have already submitted to the Tribunal concerning the atrocities of the German fascist aggressors in the town of Kerch. This document was submitted as Document Number USSR-63 and refers to the spring of 1942.

I remind the Tribunal of an excerpt from the statements of the witness Darya Demchenko who saw how from two murder vans

German military personnel in Kerch dragged out the bodies of the murdered and dumped them into an antitank ditch.

However, the mass extermination of people in gas vans was ascertained without reasonable doubt for the first time in the report of the Extraordinary State Commission on atrocities of the German occupiers in the Stavropol region. This document was submitted to the Tribunal by me earlier as Exhibit Number USSR-1 (Document USSR-1). Investigation of the crimes committed by the German fascists in the Stavropol region was directed by a prominent Soviet writer and member of the Extraordinary State Commission, Academician Alexey Nikolaevitch Tolstoy, who now is deceased.

This very thorough investigation was undertaken with the assistance of the most prominent specialists in forensic medicine, inasmuch as human imagination, having set definite logical limits to any crime, could only with difficulty then accept the existence of these machines. However, the results of the investigation corroborate in full the testimony of surviving witnesses regarding the murder vans and the German fascist mass murders of peaceful citizens executed by this means.

The report of the Extraordinary State Commission on the Stavropol region gives the first detailed description of the mechanism of these murder vans; and I am reading a quotation which the Tribunal will find on Page 268 of the document book, Paragraph 4. I quote this excerpt in full as the technical matter here detailed coincides with those technical details which the American Prosecution so fully reported to the Tribunal. This is corroborative evidence, and is therefore important. I begin my quotation:

> "The mass extermination of peaceful citizens of the U.S.S.R. by the Germans was done by poisoning them with carbon monoxide in specially constructed machines or 'murder vans.'
>
> "Prisoner of war E. M. Fenchel testified:
>
> " 'While working as a motor mechanic, I had the opportunity of studying in detail the van construction especially adopted for suffocating and exterminating people with exhaust gases. There were several such vans in the town of Stavropol at the disposal of the Gestapo.
>
> " 'Their construction was as follows: The body was approximately 5 meters long by 2½ meters wide by approximately 2½ meters in height. It was shaped like a railway car without windows. Inside it was lined with galvanized sheet iron; on the floor, also covered with galvanized iron, was a wooden grating. The door of the body was lined with rubber and was tightly closed with an automatic lock. On the floor of the van, under the grating, were two metal pipes.' "

I omit the end of the sentence.

> " 'These pipes were connected with a transverse pipe of equal diameter. . . .' "

I omit the next part of the sentence.

> " 'These pipes had frequent holes a half centimeter in width. From the transverse pipe down through a hole in the galvanized iron floor went a rubber hose with a hexagonal screw at the end, threaded so as to fit the thread on the end of the engine exhaust pipe. This hose is screwed on to the exhaust pipe and when the engine is running all the exhaust gas goes into the body of this hermetically closed van. From the accumulation of these gases, a man inside the van died within a short space of time. The machine could contain approximately 70 to 80 people. The motor of this machine usually bore the trademark "Sauer." ' "

I omit the following part of the quotation, because the data contained therein is already known to the Tribunal and I beg the Tribunal to pay attention to Page 270 of the document book, first paragraph, which says that in the Stavropol region the murder vans were used for the killing of 660 people who were ill in the local hospital. Further I draw the attention of the Tribunal to the report of the Extraordinary State Commission regarding the Crimes of the German fascist criminals in Krasnodar. I submit this document to the Tribunal as Exhibit Number USSR-42 (Document Number USSR-42). It concerns the mass killing of people in murder vans. I will not quote this document. I pass on to Page 243. I submit to the Tribunal as Document Number USSR-55 the verdict of the military tribunal of the North Caucasian Front. I wish only to quote a short excerpt from this verdict in order to save time. The Tribunal will find this on Page 439 of the document book, Volume II, Paragraph 2. I begin the quotation:

> "The legal investigation has also ascertained as facts the systematic torture and burning, in the cellars of the Gestapo by the Hitlerite criminals, of many arrested Soviet citizens, as well as the extermination by carbon-monoxide gases in specially built cars (murder vans), that is, the asphyxiation of approximately 7,000 innocent Soviet people, including more than 700 patients from the hospitals of the town in Krasnodar region; among them were 42 children, from 5 to 16 years old."

I omit the pages of the text.

Next I submit to the Tribunal a report of the Extraordinary State Commission of the Soviet Union on the atrocities of the German fascist invaders in the town of Kharkov and the Kharkov region. I submit this document to the Tribunal under Document Number USSR-43. I will not quote this document, but will go over to another, more comprehensive document, namely, the verdict of the military tribunal of the 4th Ukrainian Front which was pronounced in this case. This document has been introduced to the Tribunal as Exhibit Number USSR-32 (Document Number USSR-32). The Tribunal will find this excerpt which I would like to quote on Page 222 of the document book, first paragraph. I begin the quotation:

> "For the mass executions of Soviet citizens the German fascist invaders used the so-called gas wagons: Large, closed cars which were known to the Russians as 'murder vans.' Into these gas wagons the German fascist invaders drove Soviet citizens and murdered them by special poisonous gas, carbon-monoxide. In order to hide the traces of the monstrous crimes committed and the mass extermination of Soviet people by way of asphyxiation with carbon-monoxide in these gas wagons, the German fascists burned the bodies of their victims."

I conclude this quotation and omit the next page of the text and another page, and go on to Page 252 of my statement.

In order to prove that the murder vans were used not only at places I mentioned, I now refer to a report of the Extraordinary State Commission which has already been submitted to the Tribunal as Exhibit Number USSR-9 (Document Number USSR-9), on the atrocities committed in the town of Kiev. The Tribunal will find there a proof of the fact that murder vans were used in Kiev.

THE PRESIDENT: We have just had handed up to us, in the written translation of your address, Page 234. We already had Page 234. Do you want this to be 234(a)? Is it just one page that you are handing up now?

MR. COUNSELLOR SMIRNOV: There is a different numbering in the English text, Mr. President; and it is difficult for me to talk about the text which is in your possession, because I simply do not know the numbering of the English translation.

THE PRESIDENT: Maybe it is 234(a)?

MR. COUNSELLOR SMIRNOV: I am on Page 251 of the Russian text.

THE PRESIDENT: I think the better course will be to adjourn now and perhaps the slight muddle in these translations can be cleared up.

[A recess was taken.]

MR. COUNSELLOR SMIRNOV: I have interrupted my report of the wide application of murder vans in the temporarily occupied regions of the U.S.S.R.—that is, I interrupted the report of the

Extraordinary State Commission concerning crimes in Rovno and the Rovno region. The members of the Tribunal will find reference to this on Page 291, second column of the text, Paragraph 10 of the document book. I limit myself to one paragraph only. I begin the quotation:

> "The extermination of peaceful citizens and prisoners of war in the town of Rovno used to take place by means of mass shooting from tommy-guns and machine guns, murder with carbon-monoxide in murder vans, while in separate instances people were thrown into pits and buried alive. Some of the victims, particularly those executed at the quarries near the village of Vydumka, were burned on special places prepared in advance."

I end my quotation and go over to Page 253 of the text, Paragraph 3. Further, in conjunction with the same matter, I refer to the report of the Extraordinary State Commission on the crimes in Minsk. The members of the Tribunal will find this quotation on Page 215 of the document book, second paragraph, second column of the text. I read one quotation from this report. I begin the quotation, "Thousands of Soviet citizens have perished in concentration camps at the hands of the German executioners."

I omit the following four sentences and pass on to the testimony of witness Moisievitch. He says—I begin the quotation:

> "I was an eyewitness to the manner in which the Germans killed people in their murder vans. From 70 to 80 people were forced into a murder van and then driven away to an unknown destination."

I end my quotation, and I ask the Tribunal's permission to draw its attention to the fact that in Minsk the principle of the murder van was used for stationary gas chambers, which were installed by the criminals in common bath houses. It is also mentioned in this report of the Extraordinary State Commission.

Further, I refer to the verdict of the court-martial of the Smolensk military region, dated 15-19 December 1945, which the Tribunal will find on Page 72 of the document book. There it is related that in Smolensk the Germans also employed special gas automobiles, the so-called murder vans for killing Soviet people with carbon-monoxide. It seems to me that it is not merely coincidence that murder vans appeared in the territory of the U.S.S.R. in the year of 1942. At that time the chief criminals were still quite convinced of victory and started carrying out in practice their premeditated plans for the extermination of the people of Europe. They were not then afraid of responsibility for these crimes. That is why in 1942 there appeared new links in the long chain of the crimes committed by the leaders of German fascism. The fascist technique of extermination was once again in full swing. It created murder vans, gas chambers in the concentration camps, special electrical appliances for the mass murder of the doomed, crematoria, and also "Zyklon" banks.

Now, I pass over to the next section of my presentation: "Concentration camps for the peaceful population."

Inasmuch as this subject has already been extensively treated by the members of the Prosecution who presented their cases before me, I shall try to be as brief as possible; I shall limit myself either only to absolutely new information or to the text of the documents which serve as an explanation to the movie films which will be shown today before the Tribunal.

I beg to draw the attention of the Tribunal to the fact that at the end of 1941 and in 1942 the scale of German fascist crimes committed in concentration camps reached vast proportions. In particular, I refer to the report of the Polish Government in confirmation of this statement. On Page 138 of the document book the members of the Tribunal will find the testimony to the effect that in 1942 one of the most terrifying extermination camps, the Treblinka Camp Number 2, was in rapid process of erection. The Germans called this "Treblinka B." Further, I refer to the report of the extraordinary State Commission on Auschwitz. The members of the Tribunal will find the extract which I am going to quote on Page 353 in the document book, Volume II, second column of the text, Paragraph 2. I quote a short excerpt from Page 257:

> "In 1941 the first crematorium for burning the corpses of murdered people was built in the Auschwitz Camp. This crematorium had three ovens. Attached to the crematorium was a so-called 'special purpose bath-house.' That was a gas chamber for asphyxiating people."

I draw the attention of the Tribunal to the following sentence:

> "In the summer of 1942 the Reichsführer SS Himmler inspected Auschwitz Camp and ordered it to be greatly enlarged and technically perfected."

I end my quotation here, and I call the attention of the Tribunal to Page 136 on the reverse side of the document book; this is from a report of the Polish Government, which shows that the Camp Sobibur was founded during the first and second liquidation of the Jewish ghetto. But the extermination on a large scale in this camp really started at the beginning of 1943. In this same report, in the last paragraph on Page 136 of the document book, we may read that Camp Belsen was founded in 1940; but it was in 1942 that the special electrical appliances were built in for mass extermination of people. Under the pretext that the people were being led to the bath-house, the doomed were undressed and then driven to the building where the floor was electrified in a special way; there they were killed.

Usually the concentration camps of German fascism can be divided into two groups: the labor concentration camps and the extermination camps. It seems to me that such a differentiation is not quite correct, because the labor camps also served the purpose of extermination.

I omit two pages of the text and I pass on to the Page 260. In confirmation of what I said just now, I refer to the report of the Extraordinary State Commission relative to Yanov Camp in the city of Lvov. The Tribunal will find this on Page 59 in the document book, Paragraph 5 of the first column of the text. But at the same time, I ask the members of the Tribunal to refer to Page 6 of the album of documents relative to the Lvov Camp. One of them is a picture of "a trench in the valley of death." The ground is soaked with human blood to the depth of 1½ meters. On the next pages are shown the belongings taken from the executed persons. This picture was taken by the experts of legal medicine about 2 months after the mass shootings.

From the reports of the Extraordinary State Commission on crimes in the Yanov Camp it can be seen that here in what was officially a usual work camp, over 200,000 Soviet citizens were exterminated, according to the findings of the legal experts. I quote only the first paragraph on Page 261 of the Russian text. I begin the quotation:

> "In view of the total area of burial grounds and the area of 2 square kilometers in which the ashes and bones were scattered as well the expert commission concluded that in the Yanov Camp there were exterminated over 200,000 Soviet citizens."

I omit the next part of my presentation, which deals with the regime of starvation in concentration camps. This was already very well presented by the representative of the British Prosecution, Sir David Maxwell-Fyfe. This must be already quite clear to the Tribunal and I don't think it will be necessary to give any additional proofs. But I ask the Tribunal's permission for a presentation of evidence on a camp which was created by the German fascists only during the last stage of the war. I refer to Page 265 of my presentation.

Maidanek and Auschwitz camps served as a means of extermination only for those who really were sent to these camps. These two camps were not a direct menace for those people who were outside the walls of the camp; but, in the course of the war, having already suffered grave defeats, German fascism began to practice new bestialities for exterminating peaceful citizens—thus, in Bielorussia camps of death, not only to exterminate the inmates of the camp itself but, first and foremost, to spread infectious diseases among the peaceful population and the ranks of the Red Army. There were no crematoria and gas chambers in these camps but these camps should in all justice be considered as among the most brutal concentration camps which were created by fascism for extermination of people.

I present to the Tribunal as Exhibit Number USSR-4 (Document Number USSR-4) the report of the Extraordinary State Commission of the Soviet Union for the investigation of the murder of people by means of spreading typhus epidemics. Such evidence was not presented before, and I shall therefore quote several excerpts from this report. I begin the quotation on Page 454 of the document book, first column of the text, first paragraph; last paragraph on Page 266 of the Russian text. I begin the quotation:

> "On 19 March 1944 advancing Red Army units discovered, near the settlement of Osaritchi in the region of Polesskoy in the Bielorussian S.S.R., within the limits of German defense lines, three concentration camps in which there were over 33,000 children, women, and old men incapable of work."
>
> I interrupt my quotation, and I omit one paragraph.
>
> "The camps were really open squares surrounded by barbed wire. The approaches to them were mined. There were no buildings whatever even of the most insignificant type in the camp grounds."

I call the Tribunal's attention to the fact that all this happened in March, in Bielorussia, when it is really very cold there.

> "The inmates were sitting on the ground. Many of them had lost their ability to move and were lying unconscious in the mud. It was forbidden to the inmates to build fires, to gather brush or branches for bedding. The Hitlerites shot Soviet people for the slightest attempt to violate this order.
>
> "For concentration camps close to the nearest line of defense, the Germans, in the first place, selected sites in such places where they did not hope to retain their position. Secondly, they concentrated large masses of Soviet people in the camps, placing there primarily women, children, and old men unable to work. Thirdly, they placed in these camps thousands of typhus patients who were brought from various temporarily occupied regions of the Bielorussian S.S.R., especially for this purpose. They were kept together with the starved, weak inmates who no longer could serve as labor and who were living there under the most unhygienic conditions.

> "Among those liberated from these camps were 15,960 children up to the age of 13; 13,072 women incapable of work, and 4,448 old men."

I omit the next page and read Page 269 of the Russian text. I quote only one paragraph which reveals the methods used by the criminals to drive into the camps peaceful citizens from various regions of Bielorussia. Witness Mrs. L. Pikarskaya, who was liberated from the camp, testified before the commission:

> "On 12 March 1944 late in the afternoon, we, the inhabitants of the city of Jlobin, were forced to assemble within half an hour at the station Jlobin South. Here the Germans selected all the young ones and took them away. Having herded us into railroad cars, the Germans closed the doors tightly. Where we were going we didn't know, but we all anticipated some evil. . . .
>
> "As we found out later on, we were taken along the Rudobelkovsky railway and unloaded late in the afternoon on 15 March. During the night, knee deep in sticky mud, we were driven into a camp. From this camp were driven into another one. On the way the Germans beat us, and those who lagged behind were shot. One woman was walking with three children. One of the children fell down. The Germans shot at him. Horrified, the mother and the two other children looked back; the monster soldiers shot them down one by one. The mother cried out in agony, but her shriek was interrupted by a direct shot. Another mother and son, the Bondarews, walked side by side. The child could not stand the tiring journey and fell down. The mother bent over him, she wanted to encourage him with a word; but neither the son nor the mother rose or saw the blue sky again; the Germans shot them."

I omit the next page of this document and I pass to the presentation of some evidence testifying to the fact that the Germans purposely concentrated in this camp the typhus-stricken people. I quote three paragraphs from Page 271 of this text:

> "A. S. Mitrachovich, a resident of the village of Novo-Belitza who was liberated from the camp, testified:
>
> " 'We who were sick with typhus were driven to the village of Mikul-Gorodok into a camp surrounded by barbed wire.'
>
> "An inhabitant of the hamlet of Novogrudok, Z. P. Gavrilchik, testified:
>
> " 'During 3 days typhus-stricken patients were brought in motor cars into camp, with the result that many who were healthy also became sick.' "

I omit the next two pages of the document and I pass over to what the members of the Tribunal will find on Page 254, on the reverse side, second column of the text, Paragraph 6. I quote:

> "The German Army Command used to send their own agents to the camps near the front line to observe how the typhus was spreading among the inmates and also among the Red Army units."

Next there is the testimony of one of such agents, the traitor Rastorguev. I omit this quotation.

To conclude the presentation of evidence relative to this matter, I shall only quote a few excerpts from the findings of the medical experts of epidemical diseases. The Tribunal will find it on the back of Page 454, second column of the text. This is Page 274 of the Russian text. I begin the quotation:

> "(a) The German authorities placed together in concentration camps both the healthy and the typhus-stricken Soviet citizens.
>
> "(b) In order to expedite the dissemination of typhus in the camps, the Germans used to transfer the typhus patients from one camp to another.
>
> "(c) On many occasions when typhus patients refused to go into the camp, the German authorities used force.
>
> "(d) German aggressors used to move typhus patients from hospitals into the camps and mixed them with the healthy camp inmates."

And the last paragraph:

> "(e) The infecting of the Soviet population with typhus began in second half of February and was practiced to the middle of March."

The result of it was mass infection of the people interned in the camp, and the members of the Tribunal will find proof of this in the next paragraph where it is said that the Red Army Command sent 4,052 Soviet citizens to the hospitals, among them 2,370 children below 13 years of age, all liberated just from one hamlet of Ozarichi, in the Poless region.

I omit those sections of my presentation where I wanted to give concrete information as to the terrible conditions under which the inmates of these concentration camps had to live, and I pass to Page 277 of my statement where I deal with concentration camps of the "usual type."

I quote short excerpts only from the report of the Yugoslav Government dealing with Camp Banyitza, near Belgrade, from which it is evident that the Yugoslavian camp, so far as bestial conditions are concerned, was quite identical with the camps in other countries of Eastern Europe. The members of the Tribunal will find this passage on Page 263 of the document book, second paragraph. I quote the third paragraph of this document:

> "Camp Banyitza, near Belgrade was established by the German occupational authorities as far back as June 1941. From the captured documents of this camp it is evident that 23,637 inmates were registered there. However, from the testimony of the surviving witnesses, especially the employees of the quisling authorities who worked in this camp, it was possible to establish that in reality a much greater number of victims passed through this camp."

I omit the next paragraph and continue my quotation:

> "The witness Monchilo Demyanóvich"—or Demyánovich, I don't know where to put the accent—"at the end of 1943 participated in burning corpses of the victims from Camp Banyitza."

I omit the following part of the paragraph and continue my quotation:

> "At the interrogation on 7 February 1945, he testified before the Yugoslav State Commission that during the period of his work there, he counted 68,000 corpses."

I omit further five pages of the report, as the information contained therein is well known to the Tribunal. I pass to Page 283 of the Russian text. I present to the Tribunal as Exhibit Number USSR-193 (Document USSR-193) an excerpt from an official register of the hospital at Camp Saimyshte, near Belgrade.

The report of the Yugoslav Government justly states that this hospital reminds one more of a camp chapel, where the bodies of the dead were brought for the last rites. On some days—I beg the Tribunal to refer to the entry Number 1070—there were delivered the bodies of tens and hundreds of people who had died of starvation. For instance, under the entry note 1070 are listed 87 corpses delivered to the hospital. Under Number 1272, 122 bodies are noted, under Number 2041 there were 112 bodies delivered. I don't consider that these figures need any comment to illustrate the camp regime, especially as far as living conditions of the inmates are concerned.

In the camps in the territory of the U.S.S.R. temporarily occupied by Germans, the living conditions of the inmates at all camps were of extreme grimness.

I quote a short excerpt from the report of the Extraordinary State Commission of the Soviet Union on the crimes in the Lithuanian S.S.R. I begin the quotation:

> "In the territories of the Lithuanian S.S.R., the Hitlerites exterminated in great numbers not only the local population but also people who were driven here from the Orlov, Smolensk, Vitebsk, and Leningrad regions. From the summer of 1943 to June 1944, 200,000 people passed through the camp for the evacuated population near the town of Alitous."

You will see this camp in the movie document which will be presented today.

I omit the next part of the quotation and I read two paragraphs further down:

> "Due to the filthy living conditions, the unbelievable crowding, lack of water, starvation, disease, and mass shootings, about 60,000 Soviet citizens perished during 14 months in this camp."

I omit the two next pages of the text and I quote from Page 288 of the report. It is mentioned here that for the families of Red Army soldiers special concentration camps were set up in the territories of the Lithuanian S.S.R. The following order was posted in this camp:

> "For expressing displeasure with German authorities and for violation of the camp regime the Soviet people shall be shot without trial, jailed, or sent on forced labor for life to Germany."

I omit one paragraph and continue:

> "A German woman in command of four such camps, Elisabeth Zeeling, frequently announced to the inmates, 'You are my slaves; I shall punish you in any way I want.' "

I refer further to the report of the State Extraordinary Commission relative to the crimes in the city of Kiev. This report describes murders in the camps which will be also shown in the films today. I quote only one quotation from this report, which shows the methods of extermination of people in the Syretzk Camp. I quote Page 289, Paragraph 3, of the Russian text:

> "Radomsky and Rieder used all kinds of devices for the extermination of Soviet citizens. For instance, they invented the following method of murder: Several Soviet prisoners would be forced to climb a tree and others had to saw it down. The prisoners would fall together with the tree and be killed."

Further, I quote a short excerpt from the report of the Extraordinary State Commission on crimes in the Estonian S.S.R. This excerpt describes the very severe regime in the Estonian camps. I quote the last paragraph on Page 90:

> "Daily in the camp there were public floggings of the inmates on a bench especially built for this purpose. Besides this, for the smallest offense people were kept without any food for

> 2 days; or, in the coldest weather, they were forced to stand tied to a post for 2 or 3 hours. Not only the SS guards but also the administration of the camp and the German physicians took part in torturing the internees. The German doctor, Botmann, personally beat two inmates, Dr. Salkinson and Dr. Tzetzov. Besides this, Dr. Botmann systematically poisoned sick inmates, injecting the poison (evipan) under their skin. The medical attendant Unterscharführer Gent killed 23 elderly inmates with an ax. The witness I. M. Ranter testified, 'In February 1944 two children were born in the camp at Kloga. Both of them were thrown alive into the furnace of the crematorium and burned.' "

I interrupt my quotation, as I consider that the regime in these concentration camps has already been sufficiently described. I pass on to the presentation of evidence on the camps of extermination, the so-called "Vernichtungslager." Numerous proofs on this subject have already been presented to the Tribunal and therefore I shall limit myself to the presentation of evidence which is connected with the documentary films which are to be shown to the Tribunal today. I consider that the Tribunal has had enough proof of the fact that citizens of all European countries were exterminated in concentration camps. People both from Western Europe and from the countries of Eastern Europe were brought into these camps. This is shown not only by official reports on these camps, but also from a board with names of inmates of one of the camp's sections which Your Honors can find in the album of documents on Auschwitz. The citizenry of all European countries may be found.

A special technique was used in the extermination of the people and in connection with this I draw the attention of Your Honors to one fact, which I especially investigated when I was analyzing the materials relating to concentration camps. I decided to ascertain the number of individual firms in the German fascist state engaged in building crematoria for the concentration camps.

I shall present to the Tribunal the evidence that in fascist Germany there were at least three special firms engaged in building crematoria and crematorium installations for concentration camps. This testifies to the scale of the crimes committed in these camps. I omit the text from Pages 295 to 303. I begin the presentation of evidence relating to this section. I ask the Tribunal to refer to the report of the Extraordinary State Commission on the crimes of German fascist invaders in Auschwitz. I quote the documents, which are on Page 353 in the document book of the Tribunal, and which are quoted in the text of the report. I begin the quotation:

> "Construction of new vast crematoria was entrusted to the German firm of Topf and Sons of Erfurt, which immediately

> began to build four powerful crematoria and gas chambers in Birkenau. Berlin demanded with impatience that the construction be expedited and all work completed by the beginning of 1943.
>
> "In the office records of the Auschwitz Camp there was discovered a voluminous correspondence between the administration of the camp and the firm of Topf and Sons. Among them the following letters:
>
> " 'I. A. Topf and Sons, Erfurt; 12 February 1943.
>
> " 'To Central Construction Office of SS and Police, Auschwitz.
>
> " 'Subject: Crematoria 2 and 3 for the camp for prisoners of war.
>
> " 'We acknowledge receipt of your wire of 10 February, as follows:
>
> " 'We again acknowledge receipt of your order for five triple furnaces, including two electric lifts for raising the corpses and one emergency lift. A practical installation for stoking coal was also ordered and one for transporting the ashes. You are to deliver the complete installation for Crematorium Number 3. You are expected to take steps to ensure the immediate dispatch of all the machines complete with parts.' "

I omit the next document which deals with "bath-houses for special purposes" (gas chambers), and present to the Tribunal as Exhibit Number USSR-64 (Document Number USSR-64), a document which is appended to the report of the Yugoslav Government. This is a certified photostat of a document externally having all the official character of a business document from a "sound business firm." The name of the firm is Didier-Werke. The subject of the correspondence—the construction of crematoria "designed for a large camp in Belgrade." The document presented by me characterized the firm Didier as a firm with considerable experience in construction of crematoria for concentration camps and which advertised itself as a firm that understood the demands of its clients. For placing the bodies into the furnace, the firm designed a special conveyer with a two-wheeled shaft. The firm claimed that it could fill this order much better than any other firms, and asked for a small advance, to draw up draft plans for the construction of a crematorium in the camp.

I quote a few short excerpts from this document—the first two paragraphs:

> "With reference to your son's visit and his conversation with our expert, Herr Storl, we note that the Belgrade SS unit intends to build a crematorium for a large camp and that you have received instructions to design and construct the building in collaboration with local architects."

I interrupt my quotation and I shall quote one more excerpt:

> "For putting the bodies into the furnace, we suggest simply a metal fork moving on cylinders.
>
> "Each furnace will have an oven measuring only 600 millimeters in breadth and 450 millimeters in height, as coffins will not be used. For transporting the corpses from the storage point to the furnaces we suggest using light carts on wheels and we enclose diagrams of these drawn to scale."

I interrupt my quotation here and I present to the Tribunal Exhibit Number USSR-225 (Document Number USSR-225). This document will be brought to you presently, Mr. President. May I refer to it? It will be presented to you within a few minutes.

I submit the new document as Exhibit Number USSR-225; it deals also with the construction of those crematoria for concentration camps in Belgrade and contains the correspondence of the firm Kori, G.m.b.H. This is a well-known firm, which considered that even every business letter must be ended with "Heil Hitler!" As its clients were well known to it, the firm Kori once again inquired whether "two furnaces would be sufficient." The firm, among other things, mentioned that it had already built four furnaces for Dachau and five for Lublin; it emphasized that its technically perfected furnaces gave full satisfaction in practice. I quote a very short excerpt of this document which the Tribunal will find on Page 471 in Volume II of the document book. I quote the first paragraph; this is Page 38, first paragraph of the text:

> "Following our verbal discussion regarding the delivery of a crematorium installation of simple construction, we suggest our perfected coal-burning furnaces for crematoria which have hitherto given full satisfaction.
>
> "We suggest two crematoria furnaces for the building planned, but we advise you to make further inquiries to make sure that two ovens will be sufficient for your requirements."

I omit the next paragraph and continue the quotation:

> "The area required for the furnaces, including space for the stokers and other personnel, is shown by the attached diagram. Sketch J. Number 8998 shows an installation with two furnaces. Sketch J. Number 9122 shows the arrangement of four furnaces in the construction projected for Dachau. A further sketch, J. Number 9080, shows the Lublin installation with 5 crematoria furnaces and two built-in compartments for stoking."

I omit the next part of the document. The ending is very typical:

> "Awaiting your further news, we will be at your service. Heil Hitler! C. H. Kori, G.m.b.H."

And so we have established that the design and construction of the crematoria ovens for German concentration camps....

THE PRESIDENT: The Tribunal would like to know, as they have not these letters before them, to whom they were addressed.

MR. COUNSELLOR SMIRNOV: This letter, Mr. President, was addressed to the SS units in Belgrade. These documents were taken by the Yugoslav Government. The SS units in Belgrade considered that the methods of extermination practiced in Bandetz and Saimyshte, which I have already described to the Tribunal, were not adequate and they decided to perfect them. For this purpose they started building, or rather they designed the construction of crematoria in the concentration camps. This was the subject of the lively business correspondence between the SS police and the SS units in Belgrade and the German firms, part of which I have just presented to you.

THE PRESIDENT: Were the other letters that you referred to also addressed to SS units?

MR. COUNSELLOR SMIRNOV: Yes, Mr. President, they were also addressed to the SS units. The first letter, addressed to the administration of the Auschwitz Camp was from the firm Topf and Sons.

I shall now present to the Tribunal evidence of the fact that besides the stationary crematoria, there existed also movable crematoria. The Tribunal already knows about the movable gas chambers. These were "murder vans." There were also created transportable crematoria. An SS member, Paul Waldmann, testifies to their existence. He was one of the participants in the crime perpetrated by the German fascists when 840,000 Russian prisoners of war in Sachsenhausen were annihilated at one time. The Exhibit Number USSR-52 (Document Number USSR-52) on Auschwitz has already been presented to the Court. I quote that particular extract from the testimony of an SS member, Waldmann, which mentions the mass execution in Sachsenhausen:

> "The war prisoners murdered in this way were cremated in four movable crematoria, which were transported on car trailers."

I omit the next two pages of my report which deals with gas chambers and crematoria. I think the Tribunal already has a clear idea of this question. But I ask the Tribunal to pay attention to the repugnant methods introduced by the German fascists for industrial utilization of corpses. Further I shall present to the Tribunal evidence which would testify to even more repulsive utilization of the corpses. Now I shall quote from a report on Auschwitz, which the Tribunal will find on Page 353, reverse side, of the document book. Beside this I ask the Tribunal to refer to the Auschwitz album, where on Pages 34, 35, and 36 they will see the photographs of 7 tons of hair which was taken from dead women, packed for shipment to Germany. I begin the quotation:

> "From 1943 the Germans, in order to utilize the bones which were not burned, started to grind them and sell them to the firm Strem for the manufacture of superphosphates. In the camp there were found bills of lading, addressed to the firm Strem, of 112 tons and 600 kilograms of bone meal from human corpses. The Germans also used for industrial purposes hair shorn from women who were doomed for extermination."

I omit the next pages of my statement and I want to draw the Tribunal's attention to the findings of a commission of technical experts which the Tribunal will find on Page 65, reverse side, of the document book, Paragraph 2.

Special research took place in the gas chambers. On the basis of exact chemical reactions it was established that poisoning in gas chambers was done by means of hydrocyanic acid, Cyclone A and Cyclone B, and also carbon-monoxide.

I quote one paragraph from the findings of the technical experts' commission:

> "Technical and medical-chemical analysis of the gas chambers in the concentration camps in Maidanek"—that is on Page 319 of the document, third paragraph—"confirms and proves that all those chambers, especially the first, second, third, and fourth, were designed and used for systematic and mass extermination of people by means of poisonous gases, such as hydrocyanic acid and carbon-monoxide."

I omit the following extracts of my statement which describe the regime in the camps of Auschwitz and Maidanek. I consider that the Tribunal has already a very clear idea of this. Part of the people were sent immediately to their death in gas chambers, while the one-fifth or one-sixth which was left in the camp were subjected to starvation and killed afterwards. I had the intention of presenting many documents and excerpts from documents which confirm this fact; but to save time, I omit them, and pass on to Page 324 of my statement. I mention this for the convenience of the interpreters. I quote several facts which deal with cynical and repugnant plundering of inmates who were killed in Maidanek and Auschwitz. I ask the Tribunal to refer simultaneously with the text I am going to present to the Auschwitz album, where on Page 27 you will see a picture of suitcases, which were the property of the inmates; on Page 28 suitcases with labels of different countries and on Page 39 a colossal warehouse of children's clothes; the same on Page 33.

The document which had not been presented in time, Your Honor, is the correspondence with the Kori firm—now presented to the Tribunal. I ask to be excused for the delay. I quote only that particular part of the report on Auschwitz, which the Tribunal will find on Page 325, on the reverse side, of the document book, where there is stated what was discovered by the commission at the warehouses of this camp. I quote one paragraph; this is on Page 325, second paragraph:

> "On the grounds of the Auschwitz Camp there were 35 special warehouses for sorting and packing the belongings and clothes. Before the retreat under the pressure of the Red Army, 29 of these warehouses were burned with the things stored in them. In the remaining six were discovered:
>
> "1. Men's clothes and underwear, 348,820 sets; 2. female clothes and underwear, 836,255 sets; 3. women's footwear, 5,525 pairs; 4. men's footwear, 38,000 pairs; 5. rugs and carpets, 13,964 pieces."

I omit the following two paragraphs and I quote...

THE PRESIDENT: It is time to adjourn.

[The Tribunal recessed until 1400 hours.]

Afternoon Session

MR. COUNSELLOR SMIRNOV: Your Honors, the same picture of organized plundering of the murdered persons was ascertained by the commission during the investigation of Maidanek. I will not quote in full this part of the communiqué of the Polish-Soviet Extraordinary Commission, and will quote only one excerpt of the general economic administration of the SS which is contained in the communiqué of the Polish-Soviet Extraordinary Commission, and which the Tribunal will find on the back of Page 66 of the document book, first column of the text, third paragraph. I begin the quotation:

> "To all commandants of the concentration camps:
>
> "According to a statement received from the Reich Security Main Office, parcels of clothing were sent from the concentration camps mainly to the Gestapo administration in Brünn and in some there were bullet holes and blood stains on the articles. Some of the parcels were damaged, so that outsiders could see what was inside them.
>
> "As the Reich Security Main Office will in the near future issue regulations concerning the utilization of articles of property belonging to the deceased inmates, the sending of these articles is to cease immediately until definite regulations have been issued as to the disposal of property belonging to internees who have been put to death.
>
> "Signed: Glücks, SS Brigadeführer and major general of the SS."

I pass on to the presentation of evidence, depicting the scale of the crimes committed.

In only two camps of death the criminals exterminated 5$^1/_2$ million people. In proof of this I quote the conclusions of the Extraordinary State Commission for Auschwitz. I will quote only a short excerpt. It is preceded by a detailed calculation. The Tribunal will find this reference on Page 356 of the document book, second column of the text, fourth paragraph. I begin the quotation:

> "However, employing rectified coefficients for the part-time use of the crematorium ovens and for the periods when they stood empty, the technical expert commission has ascertained that during the period of time that the Auschwitz Camp existed the German butchers exterminated in this camp not less than 4 million citizens of the U.S.S.R., Poland, France, Yugoslavia, Czechoslovakia, Romania, Hungary, Bulgaria, Holland, Belgium, and other countries."

I quote the corresponding passages from the Polish-Soviet Extraordinary Commission's report on Maidanek. The Tribunal will find this quotation on Page 66, reverse side, of the document book, second column of the text, Paragraph 6. I begin the quotation:

> "The Polish-Soviet Extraordinary Commission has ascertained that during the 4 years' existence of the extermination camp at Maidanek the Hitlerite hangmen, following the direct order of their criminal government, exterminated by mass shooting and mass killing in gas chambers approximately 1.5 million persons: Soviet prisoners of war, prisoners of war of the former Polish Army, and nationals of various countries—Poles, Frenchmen, Italians, Belgians, Dutch, Czechs, Serbs, Greeks, Croats, and a great number of Jews."

With this document I conclude that section of my statement which concerns the concentration camps and pass on to the last section entitled, "Concealment of Traces of Crimes."

During the period of their temporary military successes, the German fascist criminals did not bother themselves very much with concealing the trace of their crimes. They did not even consider it necessary to camouflage the burial grounds in which they hurled the bodies of the murdered persons after the shootings.

But after the defeat suffered by the Hitlerite war machine at Stalingrad, the situation changed. Fearing retaliation, the criminals began to take urgent measures to conceal the traces of their crimes. Where possible, they burned the corpses. Where this could not be done, the burial grounds were carefully camouflaged with moss or green foliage. The earth which covered the graves of those shot was smoothed out with special machines and with caterpillar tractors.

However, the main method adopted by the German fascist criminals for camouflaging their crimes was the burning of the corpses. The ashes from the burned bodies were strewn over the fields. The bones which had not been calcinated were crushed in special machines and mixed with manure for the preparation of fertilizers. In large camps the crushed bones of the victims were sold to the German firms to be transformed into superphosphates.

As proof of the enormous scale of the Hitlerites' criminal activity directed toward concealing the traces of their crimes, I shall submit to the Tribunal a series of documents. I will refer, first of all, to the communiqué of the Polish-Soviet Extraordinary State Commission on Maidanek. This document was submitted to the Tribunal as Exhibit Number USSR-29 (Document Number USSR-29). The part of the communiqué to which I refer will be found by the Tribunal on Page 65 of the document book, on the other side, Column 2 of the text, last paragraph. In order to save time, I will allow myself to summarize the contents of this document:

In the beginning of 1942 two ovens for the burning of corpses were built:

> "As there were a great many corpses, the Germans, in 1942, began building, and by autumn of 1943 had concluded, the building of powerful crematoria consisting of five ovens. These ovens burned unceasingly. The temperature in these ovens could reach 1,500 degrees Celsius. In order to be able to put as many bodies as possible into the ovens, the corpses were dissected and the limbs hacked off."

I omit the next paragraphs and beg the Tribunal to pay attention to the passage which is three paragraphs further down:

The ovens in the crematories proved to be inadequate, so the Germans were compelled to resort to special primitive cremation installations which had been made in the following way—I begin the quotation by Paragraph 1, Page 334 of the text:

> "On rails or on automobile frames which served as grates planks were placed. Corpses were laid on the planks, then more planks, and again corpses. Five hundred to 1,000 corpses were piled on one pyre. All that was covered with gasoline and ignited."

I quote a short excerpt which ascertains the scale of criminal actions taken to conceal the trace of these crimes, Page 336, first paragraph:

> "The commission has ascertained that in the ovens of the crematoria alone more than 600,000 corpses were burned. More than 300,000 corpses were burned on the gigantic pyres in the Krempetz Woods; more than 80,000 corpses were burned in the two old ovens; not less than 400,000 corpses were burned on pyres in the camp itself, near the crematoria."

As a proof of these same circumstances, that is to say, of the scale of the criminal activity of the Hitlerites in concealing the traces of their crimes, I refer now to the report of the Extraordinary State Commission of the Soviet Union for the town of Minsk. The members of the Tribunal will find this quotation on the back of Page 215, second column of the text, Paragraph 4. I quote a short excerpt:

> "In the Blagovtschchina Woods 34 ditch graves were discovered, camouflaged with evergreen branches. Some of the graves reached a length of 50 meters. During a partial excavation of five of these graves, corpses and a layer of ashes 50 centimeters or 1 meter thick was discovered at a depth of 3 meters. Near the graves the commission discovered a great number of small human bones, hair, false teeth, and numerous small personal articles. The investigation has ascertained that the fascist exterminated here up to 150,000 persons.

> "At a distance of 450 meters from the former hamlet of Petrashkevichi eight ditch graves have been discovered. Their size is 21 meters long, 4 meters wide, and 5 meters deep. Before every ditch grave there are enormous piles of ashes, remainders of the burned corpses."

I omit the next page and in proof of this same circumstances I am now referring to the report of the Extraordinary State Commission concerning the crimes of the German fascist invaders in the Lvov region. This document has already been submitted to the Tribunal as Document Number USSR-6. I quote a very short excerpt from this document. The part which I will quote will be found by the members of the Tribunal on Page 164, on the reverse side, second column of the text, Paragraph 5:

> "Upon the order of Reich Minister Himmler and of Major General of Police Katzmann, special measures for exhuming and burning the corpses of murdered, peaceful citizens, Soviet prisoners of war, and citizens of foreign countries were carried out in June 1943. In Lvov the Germans created a special Sonderkommando Number 1005 composed of 126 men. The chief of this Kommando was Hauptsturmbannführer Scherlack; his assistant, Hauptsturmbannführer Rauch. The duty of this Sonderkommando was to exhume and burn the corpses of the civilians and prisoners of war who had been liquidated by the Germans."

I dwell on this extract, and I would beg the Tribunal to remember this number, "Sonderkommando Number 1005." This Kommando was the prototype of similar Sonderkommandos created by the Germans. Later, the Sonderkommandos created for this task received the numbers of 1005-A, 1005-B, *et cetera.*

I terminate the quotation with the conclusion of the medical-legal experts. I quote the last paragraph on Page 340 of the text:

> "Thus the Hitlerite murderers adopted in the territory of the Lvov region the same methods for concealing their crimes which they employed earlier in connection with the murder of Polish officers in the Katyn Forest.
>
> "The expert commission ascertained full similarity of method in camouflaging the graves in Lissenitzach Forest with those used to camouflage the graves of the Polish officers killed by the Germans at Katyn.
>
> "To extend the experiments in exterminating people, cremating corpses, and camouflaging the crimes, the Germans set up in Lvov, in the Yanov Camp, a special school for the preparation of qualified cadre. The commandants of the camps of Lublin, Warsaw, Kraków, and other cities attended this school. The chief of the Sonderkommando Number 1005,

> Scherlack, taught the commandants on the spot how to organize the exhumation of the corpses from the graves, how to pile them on stacks, burn them, how to scatter the ashes, to crush the bones, to fill up the ditches, and how to plant trees and brush wood on the graves as camouflage."

I now refer to a document which has already been submitted to the Tribunal as Document Number USSR-61, which is the report of the examination in the town of Lvov of the special machine for the crushing of bones. This record may be found by the members of the Tribunal on Page 473 of the document book. As I have very little time left at my disposal, I shall only quote very short excerpts. I quote Paragraph I, on Page 342:

> "The machine for crushing bones was mounted on a special carriage on the platform of a trailer. It is easily transportable by automobiles or other means of transportation without dismounting."

I omit the next paragraph, and shall read one more short extract:

> "The machine will function in any spot and does not require additional adaptation. It can be transported by automobile or any other vehicle.
>
> "A machine of these dimensions can produce 3 cubic meters of calcinated bone powder during 1 hour."

I omit the next four pages of the report, and submit to the Tribunal as evidence the original record of the interrogation of Gerhard Adametz (Exhibit USSR-80, Document Number USSR-80), taken by an American army lieutenant, Patrick McMahon. Gerhard Adametz was interrogated under oath. I dwell especially on this document, which has been put kindly at our disposal by our American colleagues, because Adametz' testimony, to use a legal term, in some points corroborates our own evidential material. The testimony is very lengthy, and I will limit myself to a few short quotations.

Gerhard Adametz was a member of Sonderkommando 1005-B. I draw the attention of the Tribunal again to the fact that the first Sonderkommando was simply 1005; this one is Sonderkommando 1005-B. The excerpt which I shall quote from the testimony of Gerhard Adametz will be found by the members of the Tribunal on Page 480 of the document book, beginning with the second paragraph. Gerhard Adametz said that, together with 40 other members of the Schutzpolizei, he left Dniepropetrovsk and was sent to Kiev. I remind the Tribunal of the name of Baybe-yar, which the Tribunal has already heard. I begin to quote the testimony of Adametz, Page 347:

> "Our Leutnant Winter reported about our column to Oberleutnant Hanisch, who was the Zugführer of the Schutzpolizei

> of Group 1005-A. The place smelled of corpses. We felt faint, stopped our noses, and tried not to breathe. Oberleutnant Hanisch addressed us. I remember the following excerpts: "'You have come to the place where you are to serve and support your comrades. You already smell an odor coming from the church behind us. We must all get used to this, and you must all do your duties. We will have to guard internees and do so very strictly. Everything that takes place here is the secret affair of the Reich. Everyone of you answers with his head if ever an internee under his guard succeeds in escaping; besides this, he will be subjected to a special regime. The same fate awaits anyone who lets out anything or is careless in his correspondence.'"

I omit the next sentence and continue the quotation:

> "After this speech of Oberleutnant Hanisch, we were led out so as to acquaint ourselves with the place where we were to serve. We left the cemetery and were brought to an adjoining field. The road which crossed this field was guarded on both sides by policemen, who chased away all those who tried to approach it. In the field we saw about 100 internees resting from work. The legs of each internee were in chains of about 75 centimeters long. The internees were dressed in civilian clothes."

I omit the next part of the paragraph and continue the quotation:

> "The work of the internees consisted, as we found out later, of exhuming corpses which were buried here in two common graves, transporting them, piling them up in two enormous piles, and burning them. It is difficult to estimate; however, I believe that on this spot were buried from 40,000 to 45,000 corpses. One antitank ditch served as a grave and was partially filled with corpses. This ditch was 100 meters long, 10 meters wide, and 4 to 5 meters deep."

I interrupt my quotation, and continue with the last paragraph of the text:

> "On the day of our arrival, about 10 September 1943, there were three or four small piles of corpses on the field."

It is interesting to note what this fascist expert in the burning of corpses understood by the words "small piles." I continue the quotation:

> "Every such pile consisted of about 700 corpses. It was about 7 meters long, 4 meters wide, and 2 meters high."

I interrupt my quotation and continue from the next page:

> "Here and in other places I observed the following methods which were employed (burning of corpses):

> "With the aid of iron hooks, the corpses were dragged to certain spots and then piled on a wooden platform. Then the whole pile of corpses was surrounded with logs, petroleum was poured on and ignited.
>
> "We, the policemen of detachment 1005-B, were then led back to the cemetery to the church. However, not one of us could eat because of the terrible smell and because of all we had seen."

Although further on the text is very interesting, I have to leave it out in order to save time and continue the quotation from Page 351, second paragraph. I quote this excerpt, as in the report of the Kiev Extraordinary State Commission I already had the honor to report to the Tribunal about statements of internees who had fled from these Kommandos.

Adametz' testimony gives full confirmation of this episode. I shall only read a short quotation:

> "About 29 September 1943 at 4:15 a.m. during dense fog, about 30 internees escaped. They tore off their foot chains, rushed out of their barracks with shouts, and ran away in different directions. Six of them were shot; because of the dense fog the others succeeded in escaping."

I interrupt my quotation. I beg the Tribunal to pay attention to the fact that as soon as the work of burning corpses was completed the internees were murdered. In proof of this I quote the following excerpt from Adametz' statement, Page 352, second paragraph of the text:

> "In other places where I also served as guard, the internees were murdered after their work (exhuming and burning of corpses) had been concluded. For this purpose they were brought in groups or individually, under the escort of the policemen chosen for this purpose, to a spot designated by the SD. The police were afterwards sent back to bring along more internees. Then the members of the SD forced the internees to lie, face down, on a wooden platform, and immediately shot them in the nape of the neck. The internees in many cases obeyed this order without resistance and lay down next to their comrades who already had been shot."

I draw the attention of the Tribunal to the further career of the Sonderkommando. You will find information on this subject in the same record. This Sonderkommandant served in Kryvoy Rog, in Nikolaev, at Voznessensk, and in Riga. That is to say, it crossed my country nearly from the extreme south to the Baltic countries; a distance of thousands of kilometers. Everywhere it carried out the same work. In confirmation of this I will quote only a short excerpt regarding the last stage on the Kommando's work in Riga—Page 357 of the statement. I begin the quotation, "We members of Kommando 1005-B received an order to go to several newly built barracks which were situated about 250 meters from six or seven mass graves." I quote this passage, as Bikerneksky Forest will be shown in the documentary film:

> "The latter were situated about 4 kilometers from the suburbs of Riga in the Bikern Forest"—in the record the name of the Bikerneksky Forest was spelled wrong—"there were about 10 or 12 thousand. A fresh group of 50 or 60 internees was brought there, and in the middle of June 1944 work began (the exhumation and burning of corpses) in the same way as I described at the beginning. This work was completed by the end of July 1944. I believe that at that period the front was only about 300 kilometers away. These 10,000 to 12,000 corpses were those of men, women, and children of all ages and had been buried about 2 years ago."

I remind Your Honors, that the extract from the report of the Extraordinary State Commission which I quoted mentioned the date of the shooting as 1942, and this proves that these two testimonies concur with each other once again. I continue the quotation:

> "The policemen believed that these people had been shot by the SS. However, this was only a supposition. This fresh group of 50 to 60 internees was murdered at the end of July 1944."

I omit the following part of the document and will only quote the conclusion of Gerhard Adametz' record, Page 359, Paragraph 4:

> "Afterwards, we were of the opinion that the Nazis were actually afraid that the mass graves would be discovered by the advancing Russians and that these monstrous mass killings would become known to the civilized world. I believe that about 100,000 corpses were exhumed from mass graves by the SD, serving with the Sonderkommandos 1005-A and 1005-B. I believe that similar Kommandos also were engaged on the same work, but I do not know how many. If I had thought or known that I would ever be compelled to carry out this dirty and degrading work I would have emigrated somewhere."

I omit the last part; the record concludes with the text of the oath and the signature of Gerhard Adametz.

Before submitting to the Tribunal the other evidence of another crime of the Hitlerites, I beg the Tribunal to allow me to make a few introductory remarks. The murder of several million people was carried out by the German fascist out of motives dictated by their mankind-hating, cannibal theories of racism and of the "right of masters" to exterminate peoples. All these murders were planned in cold blood. All these crimes, unprecedented in scale, were carried out at exact dates set for this purpose. Moreover, as I showed many times before, a special technique was invented for the mass killings and for the concealment of the traces of their crimes.

But, besides this, there is another characteristic in the many crimes committed by the German fascists which makes them even more detestable. In many cases, the Germans, having killed their victims, did not stop here, but made the corpses objects of jeers and mockery. Mockery of the dead bodies of victims was common practice in all extermination camps. I remind the Tribunal that the bones which had not been calcinated were sold by the German fascists to the firm Strem. The hair of the murdered women was cut off, packed in sacks, pressed and sent to Germany.

Among the same crimes are those on which I shall now submit evidence. On numerous occasions, I have already pointed out that the principal method used to cover up the traces was to burn the corpses, but the same base, rationalized SS technical minds which created gas chambers and murder vans, began devising such methods of complete annihilation of human bodies, which would not only conceal the traces of their crimes, but also serve in the manufacturing of certain products.

In the Danzig Anatomic Institute semi-industrial experiments in the production of soap from human bodies and the tanning of human skin for industrial purposes were carried out. I submit to the Tribunal, as Exhibit Number USSR-197 (Document Number USSR-197), the testimony of one of the direct participants in the production of soap from human fat. It is the testimony of Sigmund Mazur, who was a laboratory assistant at the Danzig Anatomic Institute.

I omit two pages of the statement and turn to Page 363. I begin the quotation—it is rather long, but I think I shall have the necessary time for the presentation of the evidence, and I beg to draw the attention of Your Honors to this quotation:

> "Q: 'Tell us how the soap was made out of human fat at the Danzig Anatomic Institute.'
>
> "A: 'In the courtyard of the Anatomic Institute a one-story stone building of three rooms was built during the summer of 1943. This building was erected for the utilization of human bodies and for the boiling of bones. This was officially announced by Professor Spanner. This laboratory was called a laboratory for the fabrication of skeletons, the burning of meat and unnecessary bones. But already during the winter of 1943-44 Professor Spanner ordered us to collect

> human fat, and not to throw it away. This order was given to Reichert and Borkmann.
>
> " 'In February 1944 Professor Spanner gave me the recipe for the preparation of soap from human fat. According to this recipe 5 kilos of human fat are mixed with 10 liters of water and 500 or 1,000 grams of caustic soda. All this is boiled 2 or 3 hours and then cooled. The soap floats to the surface while the water and other sediment remain at the bottom. A bit of salt and soda is added to this mixture. Then fresh water is added, and the mixture again boiled 2 or 3 hours. After having cooled the soap is poured into molds.' "

I will present to the Tribunal these molds into which the soap was poured. Further I shall prove that this half-finished sample of human soap was really found in Danzig.

> "The soap had an unpleasant odor. In order to destroy this disagreeable odor, Benzolaldehyd was added."

I omit the next part of the quotation, which explains from where they received this preparation. This is of no importance at this stage, and I continue the quotation on Page 364, Paragraph 4:

> "The fat of the human bodies was collected by Borkmann and Reichert. I boiled the soap out of the bodies of women and men. The process of boiling alone took several days—from 3 to 7. During two manufacturing processes, in which I directly participated, more than 25 kilograms of soap were produced. The amount of human fat necessary for these two processes was 70 to 80 kilograms collected from some 40 bodies. The finished soap then went to Professor Spanner, who kept it personally.
>
> "The work for the production of soap from human bodies has, as far as I know, also interested Hitler's Government. The Anatomic Institute was visited by the Minister of Education, Rust; the Reichsgesundheitsführer, Doctor Conti; the Gauleiter of Danzig, Albert Forster; as well as professors from other medical institutes.
>
> "I used this human soap for my personal needs, for toilet and for laundering. For myself I took 4 kilograms of this soap."

I omit one paragraph and continue the quotation.

> "Reichert, Borkmann, Von Bargen, and our chief professor, Spanner, also personally used this soap."

I omit the following paragraphs and conclude the quotation on Page 365, from where I shall read one paragraph which concerns the industrial utilization of human skin:

> "In the same way as for human fat, Professor Spanner ordered us to collect human skin, which after having been cleaned of

> fat was treated by certain chemical products. The work on human skin was carried out under the direction of the chief assistant, Von Bargen and Professor Spanner himself. The 'finished' skin was packed in boxes and used for special purposes which I don't know."

I now submit to the Tribunal as Exhibit Number USSR-196 (Document Number USSR-196), the copy of the recipe for soap produced from the corpses of the executed. I will not dwell on this recipe which is identical to that which has already been described in Mazur's testimony. But the proof of the fact that this recipe is correct, Your Honors, can be found in Mazur's record, which has already been submitted to the Tribunal under Document Number USSR-197. I will not quote this record. In order to prove that the record of Mazur's interrogation corresponds to reality, I shall now submit to the Tribunal two documents which have been kindly put at our disposal. They are records of sworn statements by two British prisoners of war; in particular that of John Henry Witton, a soldier of the Royal Sussex Regiment. The document is submitted to the Tribunal as Exhibit Number USSR-264 (Document Number USSR-264). The members of the Tribunal will find this quotation in Paragraph 5, Page 495, of the document book. I quote a very short excerpt from this record, if the necessary time is granted to me. This is Page 367. I quote:

> "The corpses arrived at an average of seven to eight per day. All of them had been beheaded and were naked. They arrived sometimes in a Red Cross wagon containing five to six corpses in a wooden case and sometimes in a small truck which contained three to four corpses."

I omit the next sentence.

> "The corpses were unloaded as quickly as possible and taken down into the cellar, which was entered from a side door in the main entrance hall of the Institute."

I omit the next sentence.

> "They were then put into large metal containers where they were then left for approximately 4 months."

I omit the next three sentences and continue the quotation:

> "Owing to the preservative mixture in which they were stored, this tissue came away from the bones very easily. The tissue was then put into a boiler about the size of a small kitchen table.... After boiling the liquid it was put into white trays about twice the size of a sheet of foolscap and about 3 centimeters deep."—These were the basins which I have already shown the Tribunal—"Approximately 3 to 4 trayfuls per day were obtained from the machine."

This witness himself did not witness the application of the soap, but I am submitting to the Tribunal as Exhibit Number USSR-272 (Document Number USSR-272), the written testimony of a British citizen, William Anderson Neely, a corporal of the Royal Signals. The members of the Tribunal will find this excerpt on Page 498 of the document book, Volume 2. I begin the quotation:

> "The corpses arrived at an average rate of 2 to 3 per day. All of them were naked and most of them had been beheaded."

I interrupt the quotation—I omit two paragraphs and continue the quotation:

> "A machine for the manufacture of soap was completed some time in March or April 1944. The British prisoners of war had constructed the building in which it was housed in June 1942. The machine itself was installed by a civilian firm from Danzig by the name of AJRD. It consisted, as far as I remember, of an electrically heated tank in which bones of the corpses were mixed with some acid and melted down.
>
> "This process of melting down took about 24 hours. The fatty portions of the corpses and particularly those of females were put into a crude enamel tank, heated by a couple of bunsen burners. Some acid was also used in this process.
>
> "I think it was caustic soda. When boiling had been completed, the mixture was allowed to cool and then cut into blocks for microscopic examination."

I continue the quotation from the following paragraph:

> "I cannot estimate the quantity produced, but I saw it used by Danzigers in cleaning tables in the dissecting rooms. They all told me it was excellent soap for this purpose."

I submit half-finished and some finished soap. (Exhibit USSR-393) Here you shall see a small piece of finished soap, which from the exterior, after lying about a few months, reminds you of ordinary household soap. I give it over to the Tribunal. Beside this I now submit to the Tribunal the samples of semi-tanned human skin (Exhibit USSR-394). The samples which I now submit prove that the process of manufacturing soap was already completely worked out by the Institute of Danzig; as to the skin it still looks like a semi-finished product. The skin which resembles most the leather used in manufacture is the one you see on top at the left. So one can consider that the experiments on the industrial fabrication of soap from human fats were quite completed in the Danzig Institute. Experiments on tanning of human skin were still incomplete and only the victorious advance of the Red Army put an end to this new crime of the Nazis.

Gentlemen, I have now to submit to you only one more piece of evidence, which is the last among the proofs concerning war crimes against the peaceful population presented by the U.S.S.R. Prosecution. Besides, certain witnesses may arrive here from the Soviet Union who may testify concerning the points which I have submitted. I will beg the permission of the Tribunal to examine these witnesses after the presentation of further evidence is finished.

Before submitting my last proof, I beg the Tribunal to allow me to make a few conclusive remarks.

The lengthy list of crimes against the peaceful inhabitants of the temporarily occupied areas of the U.S.S.R., Czechoslovakia, Poland, Yugoslavia, and Greece cannot be exhausted even in the most detailed statement. One can only point out a few very typical cases of cruelties, of base and systematic methods adopted by the major criminals who had conceived these crimes, as well as those who executed these crimes. Those who are now in the dock have freed from "the chimera of so-called conscience" hundreds of thousands and millions of criminals. They educated these criminals and created for them an atmosphere of impunity and drove their blood-thirsty hounds against peaceful citizens. They mocked at human conscience and self-respect. But those who were poisoned in murder vans and gas chambers, those who were torn to shreds, those whose bodies were burned in the ovens of crematoria and whose ashes were strewn to the winds, appeal to the conscience of the world. Now we cannot yet name, or even number, many of the burial places where millions of innocent people were vilely murdered. But on the damp walls of the gas chambers, in the places of the shootings, in the forts of death, on the stones and casemates of the prisons, we can still read brief messages of the doomed, full of agony, calling for retribution. Let the living ones remember these voices of the victims of German fascist terror, who before dying appealed to the conscience of the world for justice and for retribution.

As a last proof I submit to the Tribunal the script and the sworn affidavit of the persons who assembled and made this documentary film. I beg the Tribunal to accept as evidence this documentary film (Document Number USSR-81). I also beg the Tribunal to allow, if possible, a short recess—about 10 minutes—for the technical preparation of the demonstration of these documents.

[A recess was taken.]

MR. COUNSELLOR SMIRNOV: Your Honor, may I have permission to present now the documentary evidence?

[The documentary film entitled, "The Atrocities by the German Fascist Invaders in the U.S.S.R.," was then shown.]

THE PRESIDENT: Colonel Smirnov, have you finished your address?

MR. COUNSELLOR SMIRNOV: I have finished the presentation of my evidence, Mr. President.

THE PRESIDENT: Can you inform the Tribunal how much longer the Soviet Delegation is likely to be?

MR. COUNSELLOR SMIRNOV: I find it difficult to give you an answer to this question. I will ask the Chief Prosecutor to do this.

GEN. RUDENKO: Tomorrow we shall begin the presentation of evidence on spoliation and pillage of communal and private property, and we think that the speaker on this question will conclude the presentation of the materials tomorrow. Then there will be presented to the Tribunal the evidence as to destruction of cities, villages, monuments of national culture and art. That will take approximately a day and a half. In other words, I mean half of Thursday's or Friday's session, and a half of the following day's session, taking into account that on this question we shall also have to present a documentary film.

Then there will be presented evidence concerning deportation of slave labor. This will take approximately 3 to 4 hours. The final presentation deals with evidence of Crimes against Humanity. During the presentation of the evidence in all the sections we shall call several witnesses, with the permission of the Tribunal. I could not present to the Tribunal today a list of the witnesses, because there are difficulties in bringing them here to Nuremberg. This list will be formulated tomorrow toward the end of the session.

To sum up, I think that altogether the Soviet Prosecution will conclude the presentation of evidence either Tuesday or Wednesday of next week.

THE PRESIDENT: Thank you. We will adjourn now.

[The Tribunal adjourned until 20 February 1946 at 1000 hours.]

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